

ONTARIO MUNICIPAL LAW

CONSOLIDATED, CONDENSED, CLASSIFIED,

TOGETHER WITH THE

PARLIAMENTARY RULES OF ORDER

OR

THE LAWS GOVERNING DEBATE

IN THE

COUNCIL CHAMBER AND THE LODGE.

PRICE, \$1.50

PUBLISHED BY

W. H. ANGER, B.A.

Editor and Publisher of "Be Your Own Lawyer."

1899

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PREFACE.

THIS volume is given to the public, not as a legal handbook for the profession, but rather as a carefully prepared digest of those portions of the Municipal Laws of Ontario that are of special interest to the general public.

The value of such a work depends, of course, upon its accuracy, and the publisher trusts that in this respect a satisfactory result has been attained.

Although not anticipating freedom from criticism, the hope is cherished that its convenient form, plainness of language and general classification of matter will meet with the approval of those who, through private interest or public duty, desire a fuller knowledge of our municipal institutions, a better acquaintance with the marvellous machinery devised for the management of our local affairs, and a more critical knowledge of those domestic laws with which every individual in the community is so immediately concerned.

The copious index at the end of the book will be found a very important part of this volume to those who may use it largely as a book of reference.

The second part of the work embodies a summary of the Parliamentary Rules of Order, or the Laws Governing Debate adopted by the Canadian House of Commons and the Ontario Legislature, which are applicable to the council chamber, the convention and the lodge. A critical knowledge of the laws and usages governing deliberative and legislative assemblies is a source of pleasure to all who take an active part in their proceedings; but especially desirable to those who are called upon to preside. It may be found necessary to enlarge this part of the work in subsequent editions.

The publisher wishes to acknowledge his indebtedness to the Parliamentary Library for the use of the Sessional Papers, Debates and Journals of the House, to Cushing's Manual, and to the Procedure of Public Meetings, by J. G. Bourinot, in arranging the matter contained in the latter portion of this work.

THE PUBLISHER.

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MUNICIPAL LAW.

MUNICIPAL CORPORATIONS.

1. Incorporation. In all municipalities the *inhabitants* constitute the *body corporate*, or, as it is usually called, the corporation, and the Council elected from time to time, as representatives of the people, exercise the powers vested in the corporation.

2. Municipal Corporations in Ontario are divided into counties, cities, towns, townships and villages, together with unincorporated villages and provisional corporations.

The Municipal Act confers upon each of these corporate bodies large legislative powers, specifically defining the scope of such powers, the nature and extent of their liabilities in case the corporation by any illegal act or neglect cause injury to private interests or to adjoining municipalities.

3. When Incorporation goes Into Effect. In case of the incorporation of a new township, or union of townships; or of the separation of a junior township from a union of townships; or the erection of a locality into an incorporated village, or the erection of a village into a town, or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city; or in case of a new division of wards of a town or city, the change does not go into effect until after the first election which takes place under the proclamation or by-law by which the change was effected. The first election shall take place on the first Monday in January next, after the end of three months from the date of the proclamation, or from the passing of the by-law, as the case may be, by which the change is made.

4. Incorporation of Villages. A village having a population of 750 inhabitants may become incorporated by petition to the Council of the county in which it is situated, signed by one hundred resident ratepayers of twenty-one years of age or upwards, one-half of whom must be freeholders.

• The village must not occupy more than five hundred acres, unless the population exceeds one thousand. Two hundred acres may be added for each additional one thousand of inhabitants.

If the village lies within one mile of a city of one hundred thousand inhabitants the petition must be signed by not less than two-thirds of the freeholders and householders; one-half of whom must be freeholders, and also resident in the locality for four months next preceding.

5. Filing the Petition. The petition for incorporation must be filed with the Clerk of the County one month before the meeting of the County Council. Notice of the application for incorporation must be given two months before the meeting of said Council by publication for two consecutive weeks in some newspaper within or nearest to the locality seeking incorporation.

6. Village Formed from Two Counties. In case the village lies within two or more counties, application must be made to each. The councils shall annex it to one of the counties.

If within six months after the petitions for incorporation are presented the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in Council, stating the grounds of difference between the councils, and thereupon the Lieutenant-Governor may, by proclamation, annex the village to one of the counties.

In case the wardens fail to do so within one month after the expiration of the said six months, then one hundred of the freeholders and resident tenants on the Census List may petition the Lieutenant-Governor to settle the matter, and thus have the village annexed to one of the counties.

The councils of the respective counties and the village shall agree as to the amount, if any, of the county liabilities to be borne by the locality to be detached, and if the councils do not agree within three months the matter must be settled by arbitration.

7. Incorporation of Towns. A village having a population of two thousand inhabitants may become a town by means of the following proceedings and conditions:

1. A census may be taken at any time under the authority of a by-law of the Village Council.

2. Notice of the intention of the Council to apply to the Lieutenant-Governor in Council for the erection of a village into a town, stating the limits intended to be included therein, must be given for three months, after the census returns, by insertion in some newspaper published in the village. If no newspaper is published therein, then the Council must for three months post up a notice in four of the most public places in the village and insert the same in a newspaper published in the county town, and if no newspaper is published in the county town, then in a newspaper published nearest to said village.

3. The census returns must be certified to under the signature of the head of the Council and bearing the corporate seal, also proofs of the publication of the notice of incorporation as aforesaid, all of which must accompany the application to the Lieutenant-Governor in Council for incorporation. Then the Lieutenant-Governor, by proclamation, may erect the village into a town under the name given thereto in the proclamation.

8. Incorporation of Cities. A town having a population of over fifteen thousand inhabitants may be erected into a city by following the same procedure as given in preceding section for the incorporation of a town.

The town being erected into a city shall pay to the county of which it forms a part, such portion, if any, of the debts of the county as is just, or agree as to the amount to be paid with interest from the time of the erection of the new city. In case of disagreement, the same shall be determined by arbitration, and upon the Council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, the Lieutenant-Governor may, by proclamation, erect the town into a city by the name given in the proclamation.

9. Area of Corporation. An incorporated village, the population of which does not exceed one thousand, must not contain more than five hundred acres of land.

A town or village, the population of which exceeds one thousand, can only increase its area in the proportion of two hundred acres to each additional one thousand inhabitants.

10. Addition to Village Boundaries. The boundaries of an incorporated village may be enlarged by petition to the Lieutenant-Governor in Council. But they cannot be enlarged unless the population, including the area to be annexed, equals what would be required for incorporation at first. In reckoning the population and area for the purposes of extension the land occupied by streets and public squares may be excluded in estimating the area of the town or village.

11. Extension of City or Town. In case two-thirds of the members of the Council of a city or town do, in Council, before the 15th day of July in any year, pass a resolution affirming the expediency of the addition to the limits of the corporation, the Lieutenant-Governor in Council may, by proclamation, and on such terms as to taxation, assessment, improvements etc., as to him seems equitable and the Council of the city or town may consent to, add to the corporation any part of the adjacent township or townships that is considered desirable.

Where the land so attached to the city or town formerly belonged to another county, it will in future belong to the same county as the rest of the city or town.

12. Annexation of Villages or Towns. In case the Council of any village or town pass a resolution favoring the annexation of said village or town to an adjacent village, town, or city, and which is approved by a majority of the freeholders and leaseholders, whose lease extends over a period of not less than five years from the date when the vote is taken, and in case the Municipal Council of the village, town or city to which it is to be annexed passes a similar resolution, the Lieutenant-Governor in Council may, by proclamation, annex the one municipality to the other upon such terms as may have been agreed upon or awarded.

In case the population admits, the Lieutenant-Governor may, by the same proclamation, erect the village into a town, or the town into a city, as the case may be, by a name given thereto, and may also divide or re-divide the same into wards.

13. Petitioning for Annexation. If a petition, signed by 150 duly qualified municipal electors of any town or village is presented to the Council of such town or village, asking that a by-law be submitted for the annexation of such town or village to an adjacent village, town or city, either unconditionally or upon terms set out in said petition, the Council shall forthwith prepare a by-law in accordance with the prayer of the petition, and submit the same to the electors for approval within four weeks after the receipt of the petition. Such by-law, if approved by the electors, must within one month thereafter be adopted by Council.

The Council of such adjacent village, town or city may, by resolution, assent to annexation. The annexation may then be carried into effect by proclamation of the Lieutenant-Governor in Council.

14. Village Becoming Unincorporated. In case an incorporated village desires to become unincorporated and the Village Council passes a resolution by a two-thirds vote in favor of unincorporation, which also receives the assent of the electors entitled to vote, the Lieutenant-Governor in Council may, by proclamation, annul the incorporation and annex the territory to one or more of the adjoining municipalities, providing such municipalities pass resolutions approving the same. Debts and assets must be arranged as agreed upon by the various municipalities interested, or determined by arbitration.

15. Reducing Areas of Corporation. The County Council of any county or union of counties, upon the petition of any village or town not separated from the county, having a population by the last municipal enumeration not exceeding two thousand, and whose outstanding obligations and debts do not exceed double the net amount of the last yearly rate levied and collected therein, may in their discretion, by by-law, reduce the area of the village or town by excluding therefrom lands used wholly for farming purposes, and such lands shall become part of the township or townships designated in the by-law.

16. Number of Wards. No town or city must have less than three wards, and no ward less than five hundred inhabitants. In case two-thirds of the Council in Council assembled before the 15th day of July in any year pass a resolution for a new division of wards, or additional territory to be included in the corporation, application may be made to the Lieutenant-Governor in Council for the same, upon such conditions as to taxation, or otherwise, as the Lieutenant-Governor in Council may assent to.

If the new tract of land so attached to a town belonged previously to another county, it will in future for all purposes belong to the same county as the rest of the town.

17. Town Withdrawing from County. A town may withdraw from the jurisdiction of a county with which it is connected by the passing of a by-law to that effect by the Council of the town, and which receives the sanction of the electors.

The amount to be paid by the town to the county for the expense of the administration of justice, use of the gaol, erection and maintenance of the registry office, etc., if not agreed upon, shall be determined by arbitration.

In adjusting this award the arbitrators shall consider, among other things, the amount previously paid by the town, or for which the town is still liable to pay, for the construction of roads and bridges of the county outside the town limits; and what the county has paid, or is still liable to pay, for the construction of roads and bridges within the limits of the town; also all the interest the town has in county property outside the town limits.

A copy of the agreement or award being duly verified by affidavit shall be transmitted to the Lieutenant-Governor, who may issue his proclamation withdrawing the town from the jurisdiction of the county.

After the proclamation has been issued the offices of Reeve and Deputy Reeve of the town shall cease, and no future by-law of the county shall have any force in the town except as to care of court-house and gaol and other county property in the town, and the town shall not be liable for any of the county debts except the sums agreed upon or awarded by the arbitrators. All the county property in the town, except roads and bridges, remains county property.

18. New Agreement After Five Years. After the lapse of five years from the time of the separation, or sooner if stated in the agreement, a new arrangement or a new award may be made fixing the amount to be paid to the county as its equitable share of expenses of administration of justice, etc.

19. Town Re-uniting with County. The Council of a town which has withdrawn from the county may, after five years from the time of withdrawal, pass a by-law to be assented to by the electors to re-unite with the county.

The by-law has no effect unless ratified and confirmed within six months after the passing thereof by the Council of the county, or union of counties, from which the town had previously withdrawn.

Before the by-law is confirmed by the County Council the councils of the town and county shall determine, either by agreement or by arbitration, the amounts of the debts of the town and county, respectively, to be borne by the county after the re-union and by the town over and above other county rates, and such other terms and conditions as may be deemed just. If the respective councils cannot come to an agreement within three months after the passage of the by-law by the town the matter shall be settled by arbitration.

MUNICIPAL COUNCILS.

20. Qualification. The qualifications required for mayor, alderman, reeve, deputy-reeve, or councillor of any local municipality are:

1. Residence within the municipality, or within two miles thereof.
2. Must be a natural born, or naturalized subject of Her Majesty.
3. A male, and of the full age of 21 years, and not disqualified under the Act.
4. And who has, or whose wife has, at the time of the election, as

owner or tenant, property assessed on the last revised Assessment Roll of the municipality, over and above all encumbrances, to the amount of:

- | | |
|--|--|
| (1) In villages—Freehold to \$200, or leasehold to \$400 | |
| (2) In towns — “ “ 600, “ “ 1,200 | |
| (3) In cities — “ “ 1,000, “ “ 2,000 | |
| (4) In townships— “ “ 400, “ “ 800 | |

And in Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Manitoulin, Rainy River and Haliburton:

- (5) In townships and villages—Freehold to \$100, or leasehold to \$200.

- (6) In towns—Freehold to \$400, or leasehold to \$800.

If, at the time of election, the party is in actual occupation of freehold rated either in his own name or that of his wife on the last revised Assessment Roll at the value of \$2,000, he is entitled to be elected without regard to any liens or encumbrances on the property.

No person otherwise properly qualified shall be deemed to be disqualified on account of the sale of the property, or the expiration of the lease between the return of the Assessment Roll and the election, providing he still resides within the municipality, and who has, either in his own or wife's name, freehold or leasehold sufficient to qualify him, as previously mentioned.

In such case the declaration of qualification will be varied by striking out all the words after the word "occupation" in the thirteenth line of Sub-section 2, and inserting in lieu thereof, "And I had such an estate actually rated on the last revised Assessment Roll of this municipality (naming it) at an amount not less than \$2,000."

21. Disqualification. The persons disqualified from being members of councils are: Judges of courts of civil jurisdiction, gaoler or keeper of a house of correction, sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of a city or town, assessor, collector, treasurer or clerk of any municipality, bailiff of a division court, county crown attorney, registrar, deputy clerk of the crown, clerk of the county court, clerk of the peace, or high school trustee, innkeeper or saloon-keeper or shopkeeper licensed to sell spirituous liquors by retail, license commissioners or inspector of licenses, police magistrate and no person having, by himself or his partner, an interest in any contract with the corporation, or having a contract for the supply of goods or materials to a contractor for work for which the corporation pays, or liable directly or indirectly to pay, or which is subject to the control of the Council, or who has an unsatisfied claim for such goods or materials; and no person who, either, by himself or through another, has any claim, action or proceeding against the municipality; and no person who is counsel or solicitor, either by himself or through another, in the prosecution of any claim or action against the municipality, shall be qualified to be a member of the Council of any municipal corporation.

EXCEPTIONS.—A person is not disqualified on account of being a *shareholder* in an incorporated company having contracts with the corporation, or one having a lease of twenty-one years of corporation property,

or by reason of his property having been exempted from taxation, if he has sufficient other property liable to taxation in the municipality to qualify him for the office.

22. Exemptions. All persons over sixty years of age, members and officers of the Ontario Legislature, Dominion Senate or House of Commons, persons in the civil service, judges (not disqualified by Section 21), coroners, priests, clergymen, ministers, members of the Law Society, whether barristers or students or solicitors in actual practice, officers of courts of justice, members of the medical profession, professors, masters, teachers and members of any Ontario university, college, or school, and officers and servants thereof, millers and firemen are exempt from being elected as members of the Council or appointed to any other municipal office.

23. City Councils shall consist of the mayor, who is the head thereof, and three aldermen for each ward, unless varied by special legislation.

For qualification, see Section 20.

By an amendment of 1897 it is provided that cities having a population of not more than 15,000, may, by by-law, decide that the said Council shall consist of a mayor and one alderman for each one thousand inhabitants, to be elected by a general vote. Such by-law must have the assent of a majority of the electors voting thereon, unless a vote of the electors has within one year been taken substantially on the same question, in which case it would not be necessary to submit the by-law, unless the Council determined otherwise.

24. Town Councils shall consist of the Mayor, who shall be the head thereof, and three aldermen for each ward where there are less than five wards, or two for each ward if there are five or more wards.

If the town has not withdrawn from the county then a reeve shall be added, and if the town had on the last revised Voters' List five hundred persons entitled to vote at municipal elections, then a deputy reeve shall be added, and for every additional five hundred names an additional deputy reeve shall be added.

The Council of every town where there are less than five wards may, upon a petition of one hundred municipal electors, pass a by-law reducing the number of councillors for each ward to two. The by-law must receive the assent of the electors.

After two annual municipal elections have been held the Council may, upon petition of one hundred resident municipal electors, pass and submit a by-law for the repeal of the by-law which reduced the number of councillors for each ward to two.

By an amendment of 1898 it is provided that the Council of towns having a population of not more than 5,000 inhabitants, shall consist of a mayor and six councillors, to be elected by a general vote.

After two annual elections have been held, the Council, upon a petition of twenty per cent. of the electors, shall, at the time of holding the annual elections, submit a by-law for dividing the town into wards, which having received the assent of a majority of the electors voting, one councillor shall

thereafter, as long as the by-law remains in force, be elected for each ward, and the balance to make up the whole number of six by general vote.

Towns having a population of over five thousand may pass by-laws providing that said Council consist of a mayor and one councillor for each one thousand inhabitants, to be elected by a general vote. Such by-law must first have the assent of the electors qualified to vote at municipal elections.

25. Village Councils shall consist of a reeve, who shall be the head thereof, and four councillors, who shall be elected by a general vote.

For qualifications see Section 20.

26. Township Councils shall consist of a reeve, who shall be the head thereof, and four councillors, who shall be elected by a general vote.

For qualifications see Section 20.

27. County Councils shall be composed as follows:

1. If the population of the county is twenty-five thousand or less, there shall not be less than four nor more than five Council divisions, represented by not less than eight nor more than ten members.

2. If the population is more than twenty-five thousand, but less than forty thousand, then not less than five nor more than six divisions, with not less than ten nor more than twelve members.

3. If population is forty thousand but less than sixty thousand, then not less than six nor more than seven divisions, with not less than twelve nor more than fourteen members.

4. If population is sixty thousand or more, then not less than eight nor more than nine divisions, with not less than sixteen nor more than eighteen members. Cities, towns and other municipalities separated from the county and unorganized Indian Reserves shall not be included in computing the population. The population of a county shall be ascertained by reference to the population of the local municipalities as shown by the last decennial census by the Dominion.

28. Council Division Numbers. Each division is to be distinguished by its number (as "First County Council Division," "Second," etc.), and shall be represented by two members who are residents of the division, and who shall hold office for two years, and until their successors are elected and sworn into office and the new Council is organized.

29. Rearrangement of County Divisions. The Judge of the County Court, the Warden and the Clerk of the Peace shall constitute a Board, whose duties shall be, when the County Council divisions have been disturbed through any cause, to rearrange the same, but in so doing to make only such changes as the altered circumstances require.

30. Provisional County Councils. The county councillors who represent the County Council divisions constituting a junior county (including any County Council Division which takes in the larger part of any municipality in such junior county), shall, *ex officio*, be the members of the Provisional Council of such junior county.

MUNICIPAL ELECTIONS.

31. Qualification of Electors. The following persons have the right to vote at municipal elections:

Men, unmarried women and widows, of the full age of twenty-one years, and subjects of her Majesty by birth or naturalization, and being rated on the last revised Assessment Roll, upon which the Voters' List at the election is based, as follows:

1. All persons, whether resident or not, who are in their own right or whose wives are at the date of the election freeholders in the municipality.

2. All residents for one month immediately preceding the election, and who are or whose wives are at the date of the election tenants in the municipality.

3. All residents at the date of election who have continuously resided in the municipality since the completion of the last revised Assessment Roll who have an income from some trade, office, calling or profession of \$400.

4. Farmers' sons residing in the municipality on the farm of their father or mother for twelve months prior to the return of the Assessment Roll on which the Voters' List is based.

Temporary absences from the farm, not exceeding in the whole six months of the twelve, will not disentitle a farmer's son to vote.

When there is more than one son at home and the farm is not rat ' sufficient, if equally divided, to give father and all the sons a vote, the father will vote and then the eldest of the sons, in order of age, as far as the rating will qualify. If the amount at which the farm is assessed is insufficient to give both father (if living) and son a vote, the father shall be the only person entitled to vote. "Father" would include "step-father." Farm must not be less than twenty acres.

A tenant whose lease is not less than five years is deemed an owner within the meaning of this section.

The amount of rating necessary to entitle a person to vote, whether freehold or leasehold, must not be less than:

In townships and villages, \$100.

In towns not exceeding 3,000 inhabitants, \$200.

In towns with a population over 3,000, \$300.

In cities, \$400.

32. Tax Defaulters Disqualified. Any person who has been returned by the treasurer or collector as in default for non-payment of taxes on the 14th day of December preceding any election, cannot vote on income; nor in respect to real property if the municipality has a by-law to that effect, unless he leaves with the Deputy Returning Officer a certificate from the treasurer or collector that the taxes have since been paid.

33. New Municipalities. At the first election in new municipalities for which there is no Assessment Roll, every male resident who is otherwise qualified is entitled to vote.

Also, where new territory is added to a municipality and the Voters'

List does not include such names, but who would have been entitled to vote in such territory if it had not been added, shall be entitled to vote.

34. Joint Owners or Occupants. In case both owner and occupant are rated severally and not jointly, both shall be deemed to be rated.

Also, when real property is owned or occupied jointly by two or more persons for sufficient amount when divided between them to give a qualification to each, then each shall be deemed to be rated, otherwise none of them shall be deemed so rated.

35. Householder. An occupant of a separate portion of a house, having direct communication with a public street or road by an outer door, shall be deemed a householder.

36. Time of Holding Elections for every municipality (except counties) shall be the first Monday in January, when all the members of Council are to be elected, except those elected by acclamation, and who shall hold office until their successors are elected or appointed and sworn into office and the new Council is organized.

The first election in newly erected or extended municipalities shall take place on the first Monday in January after the date of the proclamation or the passing of the by-law by which the change is made.

37. Places for Holding Elections shall be appointed by the Council from time to time, by by-law, otherwise they will be held at the place at which the previous election was held. But no election can be held in a tavern or other house licensed to sell spirituous or fermented liquors.

When the place fixed by by-law for a polling place is found to be unattainable or unsuitable, the Clerk may choose in lieu thereof the nearest available building suitable for the purpose, and in such case he shall post up, and keep posted up until the close of the poll, a notice on the building previously fixed by the by-law and in two other conspicuous places near by, directing voters to the place chosen.

38. Polling Sub-divisions. The Council is required by by-law in such municipalities as are divided into wards to appoint:

1. The places for holding the nominations for each ward.
2. The returning officers who shall hold the nominations for each ward.
3. The places at which polls shall be opened in case a poll is required.
4. The deputy returning officers who shall preside at the respective polling places.

39. Alteration of Sub-divisions in existing polling sub-divisions must be made before the publication of the Voters' List. Whenever the number of qualified voters in a polling sub-division exceeds two hundred, or the Council considers it for the convenience of electors, they may make new sub-divisions.

When the Clerk finds the number of qualified electors in a sub-division exceeds two hundred, he shall call the attention of the Council to the fact. The divisions are to be based on the last revised Assessment Roll.

The polling sub-divisions must be numbered consecutively, and a copy

of the by-law certified under seal and signed by the head or the Clerk of the Council, and must forthwith be filed in the office of the Clerk of the Peace of the county.

An appeal at any time within two months after filing of the by-law may, at the instance of five electors, be taken to the Judge of the County Court, who may correct the sub-divisions and make them conform to the intent of the Act.

An election is not voidable simply because the polling sub-division contains more than two hundred voters, provided it does not contain more than three hundred.

40. Uniting Two Polling Sub-divisions. In cities of one hundred thousand and over of inhabitants the Council may, for school and municipal elections, and upon questions submitted to the electors, amalgamate two polling sub-divisions into one with one polling place therefor. It may also provide that three or less polling places shall be a Public School house or other public building belonging to or controlled by the municipality.

The consent of the Public School Board must first be obtained, and a sufficient sum must be paid such School Board to cover any damage done and expense for cleaning.

41. Clerk to be Returning Officer. The Clerk of the Municipality shall be Returning Officer for the whole municipality, and the deputies shall make returns to him from the several wards.

In municipalities not divided into wards the Clerk will perform all the duties assigned to deputies.

42. Deputy Returning Officer for any ward refusing or neglecting to attend at the time and place to receive his instructions and nomination papers, or voters' list and other election papers, the Clerk shall appoint another person to act in his place, and the person so appointed shall have the same powers as though appointed by by-law.

Also, if no person has been appointed as Deputy Returning Officer, or having been appointed, has died or neglects to attend to hold the nomination or poll, within one hour after the time appointed the electors present may choose from among themselves a deputy returning officer, and such officer shall have all the power and shall perform all the duties as though he were appointed by the Clerk or by by-law of Council. In case the returning officer or a deputy returning officer during the polling becomes, through illness or other cause, unable to perform his duties, the Poll Clerk will act in his place.

Every returning officer or deputy returning officer during the election shall have all the powers of a justice of the peace, and may swear in special constables if necessary to preserve the peace.

43. The Oath. The only oath or affirmation to be required of a person claiming to vote as a freeholder is that prescribed by Section 112 R. S. O., 1897; and for tenant that of Section 113; and of income, Section 114; and of farmer's son, Section 115.

The voter may select any form of oath given in those sections respectively.

44. Who to Administer. The Returning Officer or Deputy Returning Officer shall administer the oath or affirmation at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter except to the facts specified in such oaths.

NOMINATIONS.

45. For Mayor, Reeve and Deputy Reeves. The nomination of candidates for mayor in cities, mayor, reeve and deputy reeve in towns, shall be held on the last Monday in December annually at ten o'clock a.m. at the hall of the municipality, and the deputy reeves to be designated "First," "Second," etc.

The Council of any town divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve. Where no by-law is passed, the nomination of councillors in such town shall take place as stated in the following Section 46.

The Clerk is to be the Returning Officer and preside at the meeting, and in case of his absence the Council shall appoint a person to preside; and if both fail to attend, the electors shall choose a chairman, who shall have all the powers of a returning officer.

46. For Aldermen. The nomination for aldermen in cities, councillors in towns, reeves, deputy reeves and councillors in villages and in townships not divided into wards, shall be at noon on the last Monday in December annually at the town hall, or at such place in each ward as may be fixed by by-law.

47. Nominations at 7 p.m. The councils of cities, towns and villages may, by by-law, fix the time for holding the nominations for mayor, reeve, deputy reeve and aldermen at seven o'clock in the evening, instead of the hours previously mentioned.

48. Nomination on Christmas Day. When the last Monday in December is Christmas Day, the nominations are to be held on the preceding Friday.

49. Elections on New Year's Day. The councils of cities may, by by-law, passed before the 15th day of September in any year, provide for holding the nomination for mayor and aldermen on the 20th of December, in which case the polling shall take place on the 1st day of January. If such dates fall on Sunday, then on the following day.

Six full days' notice must be given by the Clerk, or other person appointed to preside at the nomination, of the time for the holding of such meeting.

50. Nomination of Candidates. The persons nominated to fill each office must be proposed and seconded (one after another), and such nomination must be in writing, signed by the proposer and seconder, and must give the full name of the candidate, his residence and occupation.

If only one candidate is proposed for any particular office, the Clerk or other returning officer shall, after the lapse of one hour, declare such candidate duly elected for that office.

51. Poll to be Held. If more candidates are nominated than are required to be elected, the Clerk or other returning officer shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each ward or polling sub-division, at the place or places fixed by the by-law, from the hours of 9 a.m. to 5 p.m., and no longer. (See Section 53 as to Resignations.)

By an amendment passed in 1898, it is provided that in cities of over 100,000 inhabitants, the Council may, by by-law, passed before the 15th day of November in any year, extend the time for holding the elections until 7 o'clock p.m. and no longer.

The voting shall be by ballot.

52. Posting Names of Candidates. The Clerk or other returning officer shall, on the day of the nomination, post up in the office of the Clerk the names of the persons proposed for the respective offices.

53. Resignations. Persons nominated for one or more offices may at the nomination meeting or on the following day, or when such last named day is a holiday, then before twelve o'clock noon of the succeeding day, resign, or elect for which office he will remain nominated; and in default he is deemed to be nominated for the office for which he was first nominated.

The resignation after the nomination meeting shall be in writing, signed by him and attested by a witness, and delivered to the Clerk within the time specified.

54. Election by Acclamation. If, by reason of resignations, the number of candidates does not exceed the number required, then the Clerk or other returning officer shall declare such remaining candidates duly elected to such offices.

55. When Full Council is Not Elected. In case the candidates, or any of them, retire, and by reason of such retirement the requisite number of persons is not elected, then the members elected (or a majority of them), if they equal or exceed half the full Council required, shall order a new election to be held to fill the vacancies.

56. New Election. If, by reason of the retirements, less than half the members of Council are elected, the Clerk shall cause a new election to be held; and until such election is held and the Council elected, the Council of the preceding year shall continue in office and perform all the acts which a Council elected for that year might lawfully do.

57. List of Tax Defaulters. On or before the last Monday in December the treasurer of each local municipality shall, if the collector's roll has been returned to him, prepare and verify on oath (or if the collector's roll has not been so returned, the collector shall prepare and verify on oath) a correct alphabetical list of:

1. All persons who, being on the Voters' List in respect of their incomes, have not paid their municipal tax on such income on or before the 14th day of December preceding the election; and,

2. In municipalities which have passed by-laws disqualifying voters for non-payment of taxes (Sub-sec. 1 of Sec. 535), all persons on the Voters' List who have been assessed for real property, but have not paid the taxes on such property, on or before the 14th day of December preceding the election, certified copies of such lists must be furnished to all persons applying for the same and paying the same fee charged for copies of the Voters' List.

58. Ballot Boxes. Where a poll is required the Clerk shall procure as many ballot boxes as there are wards or polling sub-divisions in the municipality, and to deliver the same to every Deputy Returning Officer appointed for the election two days at least before the polling day.

If the ballot boxes are not supplied within the time prescribed, it shall be the duty of the Deputy Returning Officer who has not been so supplied, to forthwith procure a ballot box, and issue his order on the treasurer of the municipality for the cost of the same.

The ballot box must be made of durable material, provided with lock and key, and so constructed that the ballot papers can be introduced there, but cannot be withdrawn unless the box is unlocked.

59. Ballot Papers. The Clerk is also required to have printed, at the expense of the municipality, a sufficient number of ballot papers for the election, and deliver the same, together with material for marking them, to the Deputy Returning Officer before the opening of the poll.

They must be according to the form in Schedule "A" of the Municipal Act.

60. Different Sets of Papers. The names of candidates for mayor in cities, and for mayor, reeve and deputy reeves in towns shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors; but there shall be separate ballot papers for each class of candidates.

In townships divided into wards one set of ballot papers shall be prepared for all the wards for the reeve, and another set for each ward containing the names of the candidates for councillors in the ward.

61. Compartment for Marking Ballots. It is the duty of the Clerk and the Deputy Returning Officer to see that a proper compartment, where voters can mark their ballots screened from observation, is provided for each polling place.

62. Directions to Voters. The Clerk is required to deliver to each deputy returning officer at least ten copies of printed directions for the guidance of voters in voting. The deputy returning officers are required to post up such printed directions outside the polling place for which they are appointed to act, and also in every compartment of the polling place, and to see that they remain so posted until the close of the polling.

63. Voters' Lists. The proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and transmitted to the Clerk of the Peace.

64. Lists for New Municipality. For the first elections in a new municipality for which there is no separate assessment roll, the Clerk shall, instead of a voters' list, provide each deputy returning officer with a poll book, according to Schedule "C" of this Act, in which the Deputy Returning Officer, or his poll clerk, shall enter in the proper column the name of every person offering to vote, and at the request of any candidate or voter shall note opposite the name of such person the property on which he claims a vote.

65. Lists in Added Territory. Where new territory is added for municipal purposes to a city, town or village, or where a town with new territory is erected into a city, or a village with new territory erected into a town, or a new village is formed, and an election takes place before Voters' Lists including the names of persons entitled to vote in such added territory are made out, or before such lists are certified by the County Judge—in all such cases the Clerk of such enlarged corporation shall take from the last certified Voters' List of the municipality to which such territory formerly belonged, and place in lists, or supplementary lists, the names of the persons who would have been entitled to vote in such territory if no change had occurred, and deliver said lists to the deputy returning officers at all the polling sub-divisions.

The Clerk shall exclude from such lists the names of persons who have been returned for non-payment of taxes.

66. Lists and Poll Book. The Clerk is required before the poll is opened to deliver to each deputy returning officer a certified Voters' List for the ward, together with the poll book, and a certified copy of the "Defaulters' List."

67. Copies of Lists. Copies of the voters' lists may be prepared by the Clerk of the Municipality, or they may be procured from the Clerk of the Peace, for a fee of 6 cents for every ten voters on the list.

68. Defaulters' Lists furnished and verified by the Treasurer or Collector, as the case may be, shall be the evidence on which the deputy returning officers are to act in ascertaining the payment or non-payment of taxes by persons claiming either in respect to income or real property the right to vote.

69. Column for County Councillors. Where an election is being held for a member, or members, of the County Council at the same time as the election for the local municipality, the Clerk, in preparing the poll book, shall insert a column headed "*County Councillors*" between the columns headed "*Refused to Swear or Affirm*" and "*Mayor or Reeve*."

70. Certificate of Assessment Roll. The Clerk shall deliver to each deputy returning officer a certificate of: (1) The day when the Assessment Roll was returned by the assessor; and also, (2) of the day when the

said Assessment Roll was finally revised and corrected; for the guidance of the Deputy Returning Officer in filling in the blanks in the oaths to be administered to voters.

71. Penalty for Neglect. The Clerk, in case of neglect or refusal to give such certificate upon payment of 25 cents to any person applying for the same, is liable to a penalty of \$200.

72. Municipalities not Divided into Wards. In municipalities not divided into wards the Clerk shall perform the duties which in other cases are performed by the deputy returning officers, and provide himself with all the certificates, papers, ballots, etc.

73. Where to Vote. In towns and cities electors may vote in every ward where they have the necessary property qualification; but in case of mayors of cities, or mayors, reeves or deputy reeves of towns, they can only vote once.

74. Penalty for Voting Twice for Mayor, Reeve, or Deputy-Reeve. Persons that vote more than once at one election for mayor or reeve, or in towns, villages and townships for deputy-reeve, incurs a penalty of \$50 and costs, to be recovered by any person suing for the same in the Division Court. In case of default in payment of the fine and costs the judge may commit to goal for a period not exceeding thirty days.

75. Voting in Townships and Villages. No elector shall vote more than once for reeve or deputy-reeve, nor more than once in each ward for councillors.

76. Deputy Returning Officer, Poll Clerk and Agent of a candidate may vote at the polling place where they are stationed if otherwise qualified. The clerk, upon application for the same, is required to give such elector a certificate that he is entitled to vote at the polling place where he is stationed. The certificate must state the property or other qualification which entitles him to vote.

When the Deputy Returning Officer votes at the polling place where he is appointed to act, the Poll Clerk, or, in his absence, any elector authorized to be present, may administer the oath to be taken by voters.

77. The Poll. The Deputy Returning Officer shall, immediately before opening the poll, show the ballot box to such persons as are present so that they may see it is empty, and then lock and seal it and place it in his view for receipt of the ballot papers.

78. How Votes are to be Received. When a person presents himself for the purpose of voting the Deputy Returning Officer shall:

1. Ascertain that the name, or the name apparently intended for such person, is on the list.
2. Record, or the Poll Clerk record, the name, qualification, residence and occupation in the poll book.
3. Where a vote is objected to by a candidate or his agent, the words "objected to" must be entered in the poll book opposite the name, and also

stating for which candidate the objection was made by writing the name of such candidate after the words "*objected to.*"

4. If such person takes the oath or affirmation, the word *sworn* or *affirmed* must be entered in the proper column after the name in the poll book.

5. Where the voter refuses to take the oath or affirm, the words "*refused to be sworn or affirmed*" must be entered in the proper column according to the fact, and the vote of such person shall not be taken, and if the Deputy Returning Officer takes such vote he incurs a penalty of \$200.

6. When the proper entries have been made in the poll book, the Deputy Returning Officer shall make a check or mark opposite the name in the Voters' List, to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote. He should then place his name or initials on the back of the ballot paper.

A Deputy Returning Officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper shall forfeit to any person aggrieved by such refusal or omission the sum of \$10 for each ballot paper which does not bear his signature or initials.

7. The ballot paper, after being thus initialed, shall be delivered to the person.

8. The Deputy Returning Officer may, and upon request shall, either personally or through the poll clerk, explain to the voters, concisely, the mode of voting.

79. Checking the Poll Book The initials of the Deputy Returning Officer are to be placed in the columns of the poll book headed "*Mayor,*" "*Reeve*" (or *Mayor and Reeve*), "*Alderman,*" "*County Councillor,*" and "*Councillor,*" as the case may be, opposite the name of every voter receiving a ballot paper to denote that he has received a ballot paper for the same.

80. Marking Ballot Papers. Upon receiving a ballot paper marked as previously stated, the voter must forthwith proceed into the compartment provided for the purpose and make a *cross*, thus x, on the right hand side opposite the name of the candidate for whom he desires to vote. He shall then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of the paper, but so as to leave exposed the initials of the Deputy Returning Officer, then leave the compartment, and without permitting anyone to learn how he has marked his vote, deliver the ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same or exposing the names of the candidates or the marks made by the elector, verify his own initials and deposit the ballot in the ballot box in the presence of those present in the polling place. The voter must forthwith, after seeing his ballot put in the box, leave the polling place.

81. Secrecy of Balloting Compartment. While a voter is in the balloting compartment no other person shall be allowed to enter it or be in a position to see how a voter marks his ballot paper.

82. Taking Ballot out of Polling Place. Any person having received his ballot paper and takes it out of the polling place forfeits his right to vote, and the Deputy Returning Officer shall make an entry in the poll book in the column on "*Remarks*" to the effect that such person did so take his ballot paper out of the polling place. In case the voter returns the same declining to vote, the Deputy Returning Officer shall write the word "*Declined*" upon such ballot paper, and shall preserve the same.

83. Incapacity to Mark Ballot Paper. In case of a person claiming, through blindness or other physical cause, that he is incapacitated from marking his ballot, or who makes a declaration that he is unable to read, or where the voting is on Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot as prescribed, the proceedings shall be as follows:

1. The Deputy Returning Officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on the ballot paper as directed by him, and then place the same in the ballot box.

2. The Deputy Returning Officer shall note the same in the poll book opposite the person's name.

84. Spoiled Ballots. When a person has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such, he may, on returning the same to the Deputy Returning Officer and satisfying him of the inadvertency, obtain another ballot paper in lieu thereof. The Deputy Returning Officer shall immediately write the word "cancelled" upon such ballot paper and preserve it.

85. Who to be Present in Polling Places. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place except the officers, clerks, candidates or their agents and the voter who is actually engaged in voting. A constable or other peace officer may also be present if the Deputy Returning Officer desires such assistance.

86. Counting the Votes. Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the poll clerk, candidates or their agents present, open the ballot box and count the votes. He shall reject all ballot papers not having his initials, or on which more votes are given than the elector is entitled to give, or on which anything except the initials or name of the deputy returning officer on the back is written or marked by which the voter can be identified, or which has been torn, defaced or otherwise dealt with by the voter so that he could thereby be identified; also, a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void against all candidates for such office, but shall be good as to other offices that the voter did not so vote for more candidates than he was entitled to vote for.

87. Noting Objections to Ballots. The Deputy Returning Officer shall note any objections made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box, and shall decide the question arising out of the objection.

The objection must be numbered, and a corresponding number placed on the back of the ballot paper objected to and initialed by the Deputy Returning Officer.

He must also endorse "*Rejected*" on every ballot paper rejected by him, and if objection is made to his decision must then endorse "*Rejection objected to*" on the paper as well.

88. Written Statement. The Deputy Returning Officer shall then count up the votes (not rejected ones) given for each candidate and make up a written statement in words as well as in figures of votes for each candidate, and the number of rejected ballot papers under the three heads of:

1. Name or number of ward or polling sub-division, name of municipality and date of election.
2. Number of votes for each candidate.
3. Rejected ballot papers.

Such statement must then be signed by the deputy returning officer, the poll clerk and such of the candidates or their agents as are present and desire to sign the same.

No more than two agents for any candidate shall be entitled to be present at the counting of the votes.

89. Certificate of State of Poll. The Deputy Returning Officer, upon being requested so to do, shall give to the persons authorized to attend at the polling place a certificate of the number of votes given at that polling place for each candidate, and the number of rejected ballot papers.

90. Returns by Deputy Returning Officer. The Deputy Returning Officer is required at the close of the poll to certify, under his signature on the Voters' List, the total number of persons who have voted, and in the presence of the agents of the candidates make up into separate packets, sealed with his own seal and with the seal of the candidates or agents who desire it, and marked upon the outside with a short statement of the contents, date of the election, name of the deputy returning officer, ward or polling sub-division and the municipality:

1. The statement of votes given for each candidate and the rejected ballot papers.
2. The used ballot papers which have not been objected to and have been counted.
3. The ballot papers which have been objected to, but which have been counted.
4. The rejected ballot papers.
5. The spoiled ballot papers.
6. The unused ballot papers.
7. A statement of the number of voters whose votes have been marked by the Deputy Returning Officer under the heads of "*Physical incapacity*," "*Unable to read*," with the declarations of inability, and notes taken of objections made to ballot papers.

91. Declaration by Deputy Returning Officer. Before returning the voters' list and poll book to the clerk the Deputy Returning Officer shall

make a declaration before such clerk or a justice of the peace, or the poll clerk, that the voters' list and poll book were legally used and the entries correctly made, which declaration shall be attached to the voters' list and returned to the clerk, where they may be inspected at any time in the presence of the clerk by any elector of the municipality.

92. Ballot Paper Packets. The Deputy Returning Officer must forthwith deliver the packets personally to the clerk, and if through illness or other cause he is unable to do so, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk, and shall mention on the outside of the packet the name of the person to whom the same has been delivered, and shall take a proper receipt therefor. The ballot box must also be forthwith returned to the clerk.

The Returning Officer shall remain in his office on the evening of polling day until the boxes are returned to him.

In cities and towns each Deputy Returning Officer, or person so chosen, shall forthwith proceed from the polling place to the office of the clerk with the ballot box and packets, and shall there personally deliver the same to the clerk. No deputy returning officer in a city or town shall, under any circumstances, take the ballot box or packets to any house or place other than the office of the Clerk of the Municipality. For any breach of the provisions of this section a deputy returning officer shall incur the penalties provided by Sections 193 and 194 of the Act, which are imprisonment for six months and a fine of \$400.

93. Statement to Accompany Ballot Papers. The packets must be accompanied by a statement made by the Deputy Returning Officer showing the number of ballot papers entrusted to him and accounting for them as follows: (1) counted; (2) rejected; (3) unused; (4) spoiled; (5) ballot papers given to voters and returned the same, declining to vote; (6) ballot papers taken from the polling place. The statement must give the number of papers under each head, and to be referred to as the "Ballot Paper Account."

94. Dispute Between Deputy Returning Officer and Candidate. If the deputy returning officer and a candidate or his agent cannot agree as to the written statement to be made by the deputy returning officer, the packages of ballot papers shall, on the following day, be broken open by the Clerk of the Municipality in the presence of the deputy returning officer and such of the candidates or their agents as may be present, and at an hour and place appointed by the deputy returning officer, and of which they have been notified. The Clerk, having examined the ballot papers, shall determine the dispute, sign the written statement and forthwith seal the packages as before.

95. Declaration of Members-Elect by the Clerk. The Clerk having received the ballot papers and statements of the number of votes given in each polling place shall, without opening the sealed packets, cast up the number of votes for each candidate; and shall at the town hall or other public place, at noon on the following day, publicly declare the candidate or candidates having the highest number of votes; also in some conspicuous place post up a statement of votes polled for each candidate.

96. Casting Vote by Clerk. In case of two or more of the candidates having an equal number of votes, the Clerk, or other person appointed by by-law to act in his place, shall have a casting vote, whether otherwise qualified or not.

And, except in such case, the Clerk has no vote in a local municipal election held in his municipality.

97. Election Not Held at Proper Time. If by reason of riot or other emergency an election is not commenced on the proper day, or interrupted after being commenced before the lawful closing thereof, the Deputy Returning Officer shall resume on the following day at ten o'clock in the forenoon and continue, if necessary, for four days until the poll has been open without interruption to voters for about eight hours in all, in order that all electors may have an opportunity to vote.

If at the close of the fourth day the poll has not been open for eight hours the Returning Officer or Deputy Returning Officer, as the case may be, shall not return any person elected, but shall return his Voters' List and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election. The head of the municipality shall forthwith issue his warrant for a new election.

When a poll has been duly held in each of the wards or polling subdivisions and ballot papers and statements necessary have been duly returned to the Clerk, he shall at noon on the next day make the requisite declaration, as mentioned in previous sections.

The persons so elected shall make the necessary declarations of office and qualification and assume office.

98. Postponement of Election on account of an epidemic or contagious disease being a matter under the control of the Lieutenant-Governor, and the Provincial Board of Health need not be given here, save that both municipal and school elections may be postponed for a period not exceeding three months.

99. Disposition of Ballot Papers. The Clerk shall retain for one month all ballot papers coming into his possession, and then, unless otherwise ordered by the Court or Judge, destroy them in the presence of two witnesses, whose declarations that they witnessed the destruction of such papers shall be taken before the head of the municipality and filed by the Clerk among the municipal records.

100. Inspection of Ballot Papers. Under an order of a court or judge of competent jurisdiction, granted upon satisfactory evidence on oath that the inspection of ballot papers is required for the purpose of maintaining a prosecution for an offence relating thereto, or for a petition questioning an election or return, the Clerk is required to allow such inspection.

101. A Recount may be had before the County Judge upon application and affidavit of a credible person at any time within fourteen days from the time the ballot papers are received by the Clerk. Those who may be present at the recount are the County Judge, the Clerk of the municipality with the ballot boxes, and each candidate and his agent

appointed to attend the recount of the votes, and no other, except by sanction of the Judge.

102. Deposit by Applicant. The applicant, at the time of making the application for the recount, must deposit \$25 with the Clerk of the County Court as security for the costs, etc., but which must not be paid out except by an order of the Judge,

Costs are to be discretionary with the Judge.

103. Procedure on Recounts. The County Judge shall examine all the ballot papers. He shall make a note of any objections made by a candidate or his agent to any ballot paper found in the ballot box, and decide the question, and the decision of the Judge shall be final.

He shall then count up all the votes given for each candidate, upon the ballot papers not rejected, and prepare a written statement giving the results under the following heads:

1. Name of municipality.
2. Names of the candidates.
3. Number of votes for each candidate.
4. Papers wanting signature or initials of the Deputy Returning Officer.

5. Papers rejected as having voted for more candidates than entitled to.

6. Papers rejected as having a writing or mark by which the voter can be identified, or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified.

7. Papers rejected as unmarked or void for uncertainty.

As soon as he has completed the recount and ascertained the result of the poll the County Judge shall seal up all the ballot papers in separate packets and forthwith certify the result to the Clerk of the Municipality, who shall then declare elected the candidate having the highest number of votes, and in case of equality the Clerk has the casting vote.

A recount cannot prevent any remedy which any person has by *quo warranto* or otherwise.

Any papers or documents relating to the specific election produced by the Clerk, under an order of the Judge, shall be conclusive evidence.

104. Offences. (1) No person shall, without authority, supply a ballot paper to any person; or,

(2) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or,

(3) Fraudulently take out of the polling place any ballot paper; or,

(4) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or,

(5) Apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person; or advise or aid, or counsel or procure any other person so to do; or

(6) Having voted once, and not being entitled to vote again at an election, apply at the same election for a ballot paper in his own name, or advise or aid, or counsel any other person so to do.

105. Penalties. A person guilty of committing any of the above offences shall be liable: If a clerk of the municipality, to imprisonment for a term not exceeding two years; if any other person, to imprisonment for a term not exceeding six months, with or without hard labor.

Every officer and clerk guilty of misfeasance or any wilful act of omission under the preceding provisions relating to elections is liable to a penalty of \$400, to be awarded to the person so aggrieved.

Any county clerk, or clerk or officer of a local municipality, who refuses or neglects to perform the duties prescribed by the Municipal Act relating to elections for members of a county council shall be liable, on conviction, to a fine of \$200.

106. Penalty for False Returns. See Section 92.

107. Secrecy of Proceedings. Every officer, clerk and agent in attendance at a polling place shall maintain, and aid in maintaining, secrecy of the voting, under a penalty on summary conviction before a stipendary magistrate, police magistrate, or two justices of the peace, to imprisonment for a term not exceeding six months, with or without hard labor. They must not attempt to interfere with any voter marking his ballot, or induce him to display his ballot after marking it, or attempt in any way to obtain information as to how he voted; and if through any cause whatever any such information is obtained, it must not be communicated to any person, under the above penalty.

108. Statutory Declarations of secrecy must be made by every officer, clerk and agent attending a polling place, or at the counting of votes.

No voter can be compelled, in any legal proceedings concerning the election, to state for whom he voted.

109. A Candidate may Act as Agent for himself, and perform any of the duties which an agent might perform at the polling places, except that he shall not be present at the marking of a ballot paper for incapacity of a voter, or of voter unable to read.

110. Non-attendance of Agents. Where expressions are used requiring anything to be done in the presence of an agent, it is understood to mean such agents of a candidate as are authorized to attend; but the non-attendance of such agents shall not invalidate the act or thing done if otherwise duly performed.

111. Public Holidays and Sundays are excluded in reckoning time under the provisions of the Municipal Act, and when anything is required to be done on a day which falls on any such day, it must be done on the next juridical day. Such days, however, are to be reckoned in the time which is to elapse between nomination and polling days for municipal elections.

112. Election Expenses. When county councillors are elected at the same time as members of local municipalities (see Section 51), all the

reasonable expenses, fees and allowances for services rendered shall be paid to the County Clerk or Clerk of the Local Municipality, as the case may be, by the treasurer, to be distributed to the several persons entitled thereto.

113. Vacancies in Council. A member of Council convicted of felony or infamous crime, or becoming insolvent, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the Council for three months without being authorized so to do by resolution of the Council, duly entered in the minutes, forfeits his seat, and the Council shall forthwith declare the seat vacant and order a new election. Such member, or any other member who becomes disqualified, should forthwith resign his seat, and if he omits to do so for ten days, proceedings may be taken by writ of *quo warranto* to unseat him. The same applies to county councils.

114. Resignation by Consent of Council. The Mayor or other member of Council may resign his seat by consent of a majority of the members present, such consent to be entered upon the minutes.

115. New Election. In case no return is made for one or more wards or polling places through any cause, or a person elected refuses to accept office, or to make the necessary declarations of office within the time required, or in case of vacancy through resignation, death, judicial decision or otherwise, the head of the Council for the time being, or in case of his absence or his office being vacant, the Clerk, or in case of the like absence or vacancy in the Clerk's office, one of the members of the Council, shall forthwith issue his warrant for a new election to fill the vacancy.

If such occurs before the organization of the new Council the writ for the new election will be issued by said members or officials of the Council for the previous year; neglect, however, to do so will not prevent the organization of a new Council, providing a majority of the full number are present.

116. Time for Holding New Election. The Clerk shall appoint a day and place for the nomination of candidates, and the new election shall be held at furthest within fifteen days after serving the warrant, and all matter to be conducted as in other elections. The person elected will hold his seat for the residue of term for which the office is to be filled.

117. Vacancy after November 1st. In case the office of mayor of a town, or reeve of a township or village becomes vacant after the 1st day of November in any year and an election to fill the vacancy has not been ordered by the Court or Judge, the Council may either order a new election or elect one of their own number to fill the office during the residue of the term.

In case the office of alderman or councillor becomes vacant after November 1st and the Court or Judge has not ordered a new election, the Council may order an election to fill the vacancy or otherwise as they see fit.

118 Vacancy after July 1st. In case the office of mayor of a *city* becomes vacant after the 1st day of July in any year and an election to fill the vacancy has not been ordered by the Court or Judge, the Council shall elect one of their own number to fill the office during the residue of the term.

119. Appointing Members of Council. In case the electors neglect or decline to elect the requisite number of members of Council, the new members of the Council, if they equal or exceed one-half of the Council when complete, or a majority of such new members—or if half of such members are not elected—then the members for the preceding year, or a majority of them, shall appoint as many qualified persons as will complete the requisite number of members, and persons so appointed shall accept office and make the necessary declarations, and be subject to the same penalties as if they had been elected.

COUNTY COUNCIL ELECTIONS.

120. County Council elections shall be held every alternate year, but upon the days and at the time fixed by law for the annual municipal elections for members of councils for local municipalities. The ballots shall be placed in the same ballot box that is used for said local elections (where such are being held). They shall, however be placed in a separate envelope or package, but otherwise the proceedings shall be as nearly as possible the same as for an election of a local municipality, and officers have the same powers.

No member of a local municipal council, clerk, treasurer, assessor or collector is eligible for election as county councillor. Members of a county council shall have the same qualifications as a reeve of a town.

121. Nominating Officer. In every year before that in which an election is to be held the County Council is required to appoint a nominating officer for each division, who shall act as such until his successor is appointed.

1. The duties of such officer shall be in each year before an election is to be held or a vacancy to be filled, to fix a place within the division for holding the nomination between the hours of one and two o'clock p.m., and to give notice of the nomination and election in two weekly newspapers in the county for at least two successive weeks, or give sufficient public notice by printed posters.

If there is no suitable place within the division, he may name some place in an adjacent city, town or village in which the election shall be held.

2. To attend the nomination and to perform the duties, as far as applicable, which the Clerk of a municipality is required to perform as returning officer at a local nomination.

3. In case of his absence by death or otherwise at the time appointed for holding such nomination, the electors present may choose a nominating officer.

122. Nomination and Polling Day. The nomination day shall be Monday, one week before polling day.

If upon nomination day no more candidates for any division are nominated than are required to be elected, the Returning Officer shall declare such candidates elected, and shall, upon the same date, mail to the County Clerk, by registered letter with postage prepaid, a certificate of such election by acclamation. But if more candidates are nominated than are required, he shall immediately after the time for withdrawal has elapsed certify to the County Clerk the facts with the names and addresses of the candidates.

123. Nominations on Third Monday. The County Council may, by by-law made before the 1st day of July in any year, provide that the day for the nomination of reeve, deputy-reeves and councillors in townships shall be the third Monday preceding the day for polling. In such case the County Clerk shall forthwith transmit a copy of the by-law to the clerks of the townships to which the same relates.

124. Resignations. Any person nominated may resign either at the nomination meeting or on the following day. If after the meeting the resignation must be in writing, signed, witnessed and delivered to the Nominating Officer.

If by reason of such resignation only the requisite number of candidates remain, the Nominating Officer shall certify such candidates duly elected.

125. Ballot Papers. It is the duty of the County Clerk, immediately after he receives the certificates from the Nominating Officer, to prepare and forward to the Clerk of each municipality where elections are to be held, before polling day, a sufficient number of ballot papers and other necessary election papers, who shall supply the same to the deputy returning officers. If all the members of such local municipality are elected by acclamation, the Clerk shall, nevertheless, take all proceedings necessary for holding an election of the members of the County Council, if an election is to be held.

The ballots and other necessary papers and notices to be used shall, as far as applicable, be according to the forms provided in the Municipal Act; and when not wholly applicable, shall be adapted to the election of county councillors by the Clerk of the County Council, or clerks of the local municipalities, or other officers, as the case may be, and the words "County Councillors" shall be printed on every such ballot.

126. Voting for County Councillors. Each person qualified to vote for members of the Local Municipal Council may vote for county councillors, and shall have as many votes as there are members of the County Council to be elected in his division. Where there are two county councillors to be elected, he may, at his option, give both votes to one candidate, in which case he must place two crosses (x x) within the division opposite the name of such candidate.

But in no other case may a person give two votes for one candidate. A resident voter being on the Voters' List for more than one municipality

shall only vote in the division in which he resides, but a non-resident may vote only *once* in any division.

127. Returning Officer in elections for county councillors shall be the County Clerk, who shall, from the certificates from the various local clerks, cast up the votes for each candidate, and at the hour of one o'clock p.m. of the second Monday in January, in the Council Chamber, publicly declare elected the two candidates in each division having the highest number of votes, and also post up in his office a statement showing the number of votes polled for each candidate.

128. Special Column in Poll Book. The Clerk of the Local Municipality, when an election is being held at the same time, shall insert a column in the Poll Book headed, "*County Councillors.*"

129. Casting Vote. Where an equal number of votes has been cast for two or more candidates in any division, the Nominating Officer for that division has the casting vote, which is to be given in writing.

130. Clerk's Certificate of Results. The Clerk of the Municipality shall, on the day following the return of the ballot papers and statements to him, prepare and mail to the County Clerk, by prepaid registered letter, a certificate of the result of the vote for candidates for County Council, according to the forms given in Schedule "H" of the Act.

131. Declaration of Office. The persons so elected as county councillors shall make the necessary declarations of office and qualification, and assume office.

132. Election of Warden. If a tie occurs in voting for warden, and no choice made after two ballots, on the second day the senior member (the one who received the highest number of votes in his division), representing the County Council division, having the largest equalized assessment, shall have two votes. But if the two councillors have been elected by acclamation, or by equal vote, the Clerk shall draw lots to ascertain which of the two shall give the casting vote.

133. Recount of Votes. The same proceedings apply for a recount of votes, or for vacating a seat in county councils as for members of council for local municipalities. The County Judge may require the clerk, or clerks, of such municipalities to forward, under seal, to the Clerk of the County all ballot papers, books, voters' or other lists or papers connected with the election. They must be accompanied with a statutory declaration that they are the ballot papers, etc., returned to him in connection with such election, and no others, and that he has kept them under seal securely since they were returned to him.

134. Filling Vacancies. If a vacancy occurs in a county council before the June session, by death or other cause, the Warden shall issue his warrant to the nominating officer of that division for a new election. If there should not be sufficient time to fill the vacancy before the June meeting, the vacancy shall be filled at the next annual municipal election.

At such by-election, where there is only one councillor to be elected, each elector shall have but one vote, and the councillor so elected shall hold office during the unexpired term of his predecessor.

135. Election Expenses incurred in the election shall be borne wholly by the county. But where an election for the local municipality is held at the same time all such expenses as would be necessary for such election shall be borne by the local municipality. In case of dispute between the local municipality and the county as to the apportionment of the expense, the County Judge, upon application of either party, upon four days' notice to the other party, shall make such order as to him seems just.

136. Penalty for Neglect of Duty. Any county clerk, or clerk of a local municipality, who refuses or neglects to perform the duties prescribed by the Act, in relation to elections for county councillors, shall be liable to a fine of \$200 and costs.

137. Penalties for False Returns. Any clerk of a local municipality who knowingly makes false returns to the County Clerk of the result of the voting for county councillors, or any county clerk, who knowingly makes a false or incorrect declaration of the election returns, or any nominating officer who knowingly makes a false declaration of election, or commits any other wrongful or fraudulent act affecting the election of a candidate, shall be liable to a fine of \$500 and costs, and be disqualified from holding any kind of a municipal office in Ontario for four years.

138. Vacancies in County Council, by crime, insolvency or absence, same as for local municipality, which see Section 113.

139. Resignation of Warden. The warden of a county may resign his seat by verbal intimation while the Council is in session, or by letter to the County Clerk if Council is not in session, in which case, or in case of vacancy by death, or otherwise, the Clerk shall notify all the members of Council, and if required so to do by the majority of the members shall call a special meeting to fill such vacancy.

CONTROVERTED ELECTIONS.

140. In case the validity of the election of a mayor, warden, reeve, deputy-reeve, alderman, county councillor or councillor is contested, the same may be tried by a Judge of the High Court or the Judge of the County Court, or the Master in Chambers.

The relator for the purpose may be any candidate at the election, or an elector who voted or tendered his vote; or, in case of an election by acclamation, then any elector entitled to vote at said election. (Sections 219-232, R. S. O.)

141. Appeals. The decision of a Judge of the High Court is final; but the decision of the Master in Chambers or officer acting in his place, or

of the County Court Judge is appealable to a Judge of the High Court, whose decision shall be final.

142. Time to Enter Proceedings. Proceedings must be entered within six weeks after the election, or four weeks after acceptance of the office by the person elected.

143. Security. The relator shall enter into a recognizance before a judge or a commissioner for taking affidavits in the sum of \$200, and \$100 each by two sureties, to prosecute the case with effect, and to secure costs to the other party if unsuccessful.

144. If Election is Adjudged Invalid, the Judge shall order the person not duly elected to be removed; and in case the Judge determines that any other person was elected, he shall forthwith order such other person to be admitted. If no one is elected, then he will order a new election; and if part of Council are legally elected, then a new election only for the remaining seats in the Council.

145. Invalidity through Returning Officer. In case an election is held to be invalid because the Returning Officer or Deputy Returning Officer refused to receive ballot papers tendered by duly qualified electors, the Judge may order the costs of the proceedings to unseat the person declared elected to be paid by the respondent, or by the returning officer or deputy returning officer, and the Returning officer or Deputy-Returning Officer shall not thereby be relieved from any other penalty to which he may be liable.

146. When Defendant may Disclaim. A person whose election is complained of may, unless the complaint is on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, disclaim the office by forwarding to the Clerk in Chambers, at Osgoode Hall, Toronto, or to the Judge of the County Court, as the case may require, a disclaimer to the following effect: "I, A. B., upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be), for the Township of —, in the County of — (or as the case may be), do hereby disclaim the said office and all defence of any right I may have to the same.

"Dated this — day of —.

(Signed) "A. B."

The envelope containing the disclaimer must be endorsed on the outside with the word "*Disclaimer*," and the letter must also be registered.

A person elected may also disclaim at any time before his election is complained of, by delivering to the Clerk of the Municipality a disclaimer to the following effect:

"I, A. B., do hereby disclaim all right to the office of Township Councillor (or as the case may be), for the township of — (or as the case may be), and all defence of any right I may have to the same.

"A. B."

Where a disclaimer has been made as here set forth, the party making it shall be freed from all liability to costs, and such disclaimer shall operate as a resignation, and the candidate having the next highest number of votes shall become the officer elected.

The person disclaiming shall deliver a copy of the same to the Clerk of the Municipality, and the Clerk shall forthwith communicate the same to the Council.

If the Judge is satisfied that the person disclaiming consented to his nomination, or accepted the office, the costs will then be in the discretion of the Judge.

CORRUPT PRACTICES AND PENALTIES.

147. Every person who directly or indirectly, either by himself or by any other on his behalf, gives or promises to give, money or other valuable consideration, or agrees to give or procure employment for any voter, or makes a gift or loan, or promises a gift or loan, etc., to induce him to vote or refrain from voting at a municipal election or upon any by-law, or to induce such voter to endeavor to defeat the return of any person to serve at a municipal election, or to endeavor to procure the defeat or passing of a by-law, is deemed guilty of bribery.

Every person who, by reason of any of the foregoing corrupt influences, procures, or endeavors to procure, the defeat of any person at a municipal election, or to procure the passing or defeat of any by-law, is deemed guilty of bribery.

Every person who advances money, or causes to be paid money for any purpose, with the intent that it shall be used in bribery at municipal elections or at the voting upon any by-law, is deemed guilty of bribery.

Every voter who receives money, directly or indirectly, either by himself or by another on his behalf, or accepts any gift, loan, discharge of debt, or any other valuable consideration, to induce him to vote or to refrain from voting at such election or upon such by-law, is deemed guilty of bribery.

Every person who, *after* such election or the voting upon such by-law, receives or pays money, gives or receives employment, or any other valuable consideration for having voted, or refrained from voting, or having induced others so to do, is deemed guilty of bribery.

Hiring teams, horses, vehicles, etc., etc., or receiving pay for such, for the purpose of conveying voters to and from the poll, is also deemed a corrupt practice.

Persons adjudged guilty of any of the foregoing offences incur a penalty of \$20, and are disqualified from voting at a municipal election or upon a by-law for two years.

148. Undue Influences at elections is defined to be that a person who directly or indirectly, by himself or by another person on his behalf, makes use of or *threatens* to make use of any force, violence or restraint, or inflicts or threatens to inflict himself or through other persons any

injury, damage, or loss, or in any manner practises intimidation in order to induce or compel a person to vote or refrain from voting at a municipal election or upon a by-law, or because such person did vote or refrained from voting thereat, or who, by abduction, duress, or any fraudulent device, impedes or prevents a voter from the free exercise of the franchise, thereby compels or prevails upon a voter, either to give or to refrain from giving his vote at a municipal election or upon a by-law, and every person adjudged guilty of such undue influence shall incur a penalty of \$100, and be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

149. Lawful Expenses of a candidate are his actual personal expenses, expenses for professional services, and *bona fide* payments for the fair cost of printing and advertising, and the payment of such do not contravene the Act.

150. Penalties. For *bribery*, \$20 and disqualification from voting for two years.

For *undue influence*, \$100 and disqualification from voting for two years.

For *personation*, six months' imprisonment, with or without hard labor.

For a *candidate* found guilty, upon trial by the Judge, of *bribery* or *undue influence*, shall forfeit his seat, and be ineligible as a candidate at any municipal election for two years.

The Clerk is required to furnish every deputy returning officer, prior to the election or the voting on any by-law, with at least two copies of the sections of the Act 245 to 251, inclusive. The Deputy Returning Officer is required to post the same in conspicuous places at the polling places. See also Section 62.

151. Judges Return. The judge who finds a person guilty of bribery, undue influence or personation, or who condemns any person to pay any sum in the Division Court for any offence under this Act, is required to report the same to the Clerk of such municipality, and the Clerk is required to keep a book for the purpose, and to enter therein the names of such persons as have been found guilty of such practices.

152. Recovery of Penalties. The penalties imposed by the preceding sections may be recovered by any person who sues for the same in the Division Court having jurisdiction where the offence is committed. Actions for the above offences must be commenced within four weeks after the municipal election, or the day of voting upon the by-law, as the case may be.

MEETINGS OF COUNCILS.

153. First Meeting of every Municipal Council (except county councils) shall be held at eleven o'clock in the forenoon on the second Monday in January next after the election, or on some other day *thereafter*. No business shall be proceeded with until after the declarations of office

and qualifications have been administered to all the members who present themselves to take the same.

154. County Councils shall hold their first meeting at two o'clock in the afternoon, or some other hour thereafter, on the fourth Tuesday of January or some other day thereafter, at the county hall, if there is one, or otherwise at the county court-house.

155. Conduct of Business. Every Council shall hold its ordinary meetings openly, and no person to be excluded except for improper conduct. Special meetings may be either open or closed.

(a) A quorum is constituted by a majority of the whole number of members required to constitute the Council.

(b) The head of every Council shall preside at the meetings, and may summons a special meeting of the Council at any time, and is required to do so whenever requested in writing by a majority of the members.

In the absence or death of the head of the Council, the Clerk, upon a requisition signed by a majority of the members, shall summons a special meeting.

In case there is no by-law fixing the place of meeting, a special meeting is to be held where the last meeting was held.

(c) In the absence of the head of the Council from illness or other cause, or in case his office is vacant, the Council may appoint one of their members a presiding officer who, during such absence or vacancy, shall have all the powers of the head of the Council.

(d) If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may, from amongst themselves, appoint a chairman, who shall have the same authority in presiding as the absent person would have had if present.

(e) The head of the Council or Chairman of any meeting of a Council may vote with the other members on all questions, and if there is an equality of votes the question shall be deemed to be negatived.

(f) Councils may adjourn their meetings from time to time.

MUNICIPAL OFFICERS.

156. Head of Councils. The head of every county and provisional county shall be the Warden, of every city and town the Mayor, and of every township and village the Reeve.

157. Duties of Head of Council as chief executive officer of the corporation: To be vigilant and active at all times in causing the law for the government of the municipality duly put in force; to inspect the conduct of all subordinate officers; to cause all negligence and positive violation of duty to be prosecuted and punished, and to communicate from time to time to the Council all such information and recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality.

The Mayor of a city or town may call out the *posse comitatus* (a squad) to enforce the law should exigencies require it, but only under such circumstances as the Sheriff of the County may do so.

THE CLERK.

158. The Clerk. Every Council shall appoint a clerk, who shall record all resolutions, decisions and other proceedings of the Council; and, if required by any member present, record the name and vote of every member voting on any matter submitted; also, to keep the accounts of the Council, preserve and file all accounts acted upon, also the originals or certified copies of all by-laws and minutes of the Council proceedings—all of which shall be kept in his office or in the place appointed by by-law.

159. Absence of the Clerk. If the Clerk should be absent or incapable through illness of performing his duties, the Council may, by resolution, provide that some other person, to be named in the resolution or to be appointed under the hand and seal of such clerk, shall act in his stead; and the person so appointed shall have all the powers of the clerk while he so acts.

160. Minutes Open for Inspection. Any person may, at all reasonable times, inspect the minutes, assessment roll, voters' lists, poll books and other documents in the possession or under the control of the Clerk, and obtain copies thereof within a reasonable time at the rate of ten cents per hundred words, or at such lower rate as the Council appoints.

161. Certified Documents as Evidence. A copy of any document in possession of or under the control of the Clerk, certified under his hand and under the corporate seal, may, after the original has been produced, be filed in any court in lieu of the original, and shall be received in evidence without proof of the seal or the signature, or official character of the person signing the same, unless the Court or Judge otherwise directs.

162. Returns to Bureau of Industries. The Clerk must each year, within one week after the final revision of the Assessment Roll, under a penalty of \$20 for default, make a return to the Secretary of the Bureau of Industries, Toronto, on forms furnished by such Secretary, of such statistics or information as the Assessment Roll or other records of his office afford, and as such forms call for.

(a) The Clerk shall also, within one month after the final passing of every by-law for creating a debt, send to the Secretary of the Bureau of Industries a copy of the newspaper advertisement of same.

(b) Moneys payable by the Province to the municipality will be retained if the Clerk fails to send the required returns.

163. Returns to Minister of Agriculture. The Clerk shall, on the first day of June in each year, return to the Minister of Agriculture the number of steam boilers in the municipality used for driving machinery

or manufacturing purposes, as shown by the last Assessment Roll. In default of so doing he is liable to a penalty not exceeding \$100.

164. Certificates as to Assessment Roll. The Clerk of the Municipality is required to give the Returning Officer in an election for the Legislative Assembly, upon application, a certificate showing the day fixed for the assessor to begin to make the Assessment Roll on which the Voters' List to be used for the election is based, and showing also the last day on which a complaint could be made to the County Judge in respect to errors or omissions.

Also, a certificate showing the day when the Assessment Roll upon which the said Voters' List is based, was returned by the assessor, and also the day upon which the same was finally revised and corrected.

If the Clerk refuses to give such certificates when requested to do so by the Returning Officer or any other person who applies for the same, he is liable to a penalty of \$200. The Clerk is entitled to a fee of 25c. for each certificate.

THE TREASURER.

165. The Treasurer. The Council shall appoint a treasurer, who may be paid either by salary or by percentage. He shall, before entering upon the duties of his office, give such security as the Council directs. It is also the duty of the Council in each year to enquire into the sufficiency of the security and to report thereon.

166. Liability of Treasurer. The Treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the Council direct.

The Treasurer shall not be liable to an action for moneys paid by him under a by-law or resolution of the Council, unless *another disposition* of the moneys is expressly made by statute.

167. Treasurer's Books. The Treasurer is required to keep a "cash book." On the left (or debit) page he shall enter, in consecutive form, all money received, the date, name of person from whom received, on what account, and the amount; on the right hand (or credit) page, in consecutive form, the sums paid out, dates, persons to whom paid, on what accounts, and amounts thereof.

The cash book shall always be open for inspection by the members of the Council and by the Auditors, and produced at Council meetings whenever called for, and always show the balance on hand in two items—cash on deposit and cash in the Treasurer's hands.

(a) No entry except cash entry shall be made in the cash book, but the Treasurer shall keep a journal in which to enter items that are not cash.

(b) The Treasurer shall open an account in the name of the municipality, separate from his own account, in a chartered Bank or such other place as the Council may approve, and deposit therein all moneys received by him.

(c) All these enactments are to be in force in every county, city, town, and village, except in so far as they may be altered or amended by by-law.

168. Half-Yearly Statement. The Treasurer is required to prepare and submit to the Council, half-yearly, a correct statement of the moneys at the credit of the corporation.

169. List of Tax Defaulters. When a by-law has been passed to that effect, the Treasurer shall, on or before the 20th December in each year, transmit to the Clerk a list of all persons who have not paid their municipal taxes on or before the 14th of December.

170. Treasurer's Returns to the Bureau of Industries. The Treasurer shall, on or before the 1st day of May in each year, under a penalty of \$20 in case of default, furnish the Secretary of the Bureau of Industries, Toronto, on forms supplied by such secretary, such information regarding the finances or accounts as the forms call for.

(a) The Provincial Treasurer shall retain any moneys payable to the municipality if it is certified to him by the Secretary of the Bureau of Industries that the Treasurer of the Municipality has not made the required returns.

171. Treasurer's Payments to Other Municipalities. A treasurer paying money to the treasurer of another municipality shall, on or before the 7th day of January, make up a detailed statement showing the amounts of such payment and the dates for the year ending 31st day of December preceding, and transmit such statement by registered letter to the head of the municipality to whose treasurer payments have been made.

The head of such municipality upon receiving such statement shall cause it to be read at the meeting of the Council, and deliver the same to the auditors of his municipality before the auditing of the accounts for the previous year.

172. Dismissal of Treasurer. In case a Treasurer is dismissed from office, or absconds, it is lawful for his successor to draw any moneys belonging to the municipality.

173. Assessors and Collectors. The Council of every city, town, township and village shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors as they think necessary.

(a) A member of the Council, Clerk or Treasurer cannot be an Assessor or Collector, but the same person may be appointed for both assessor and collector.

(b) When by-laws have been passed to that effect, the Collector is required, on the 15th day of December in each year, to make a return to the Treasurer, on oath, of the names of all persons who have not paid their municipal taxes on or before the 14th day of December.

174. Assessment Commissioner. In cities and towns the Council, instead of appointing assessors, may appoint an Assessment Commissioner, who, with the acting Mayor, shall from time to time appoint such assessors

and valuator as may be necessary. And such commissioner, assessors and valuator shall constitute a "Board of Assessors," who shall possess all the powers and perform the duties of assessors.

(a) The Council may also determine the number of collectors to be appointed, and prescribe their duties.

(b) A commissioner, assessor, or collector, appointed in any city, need not be appointed annually, but shall hold office at the pleasure of the Council.

(c) All notices respecting assessment, usually given to the Clerk, shall, in such city, be given to the Assessment Commissioner.

175. Appointment of Auditors. Subject to the succeeding section as to Toronto, every Council shall, at the first meeting in each year after being duly organized, appoint two auditors.

176. Disqualification. No one who at such time is, or during the preceding year was, a member, clerk or treasurer of the Council, or at the time of the appointment or during the preceding year had, directly or indirectly, a share or interest in any contract with or on behalf of the corporation, except as auditor, shall be appointed.

177. Toronto City Auditors. The Council of the city of Toronto shall appoint two auditors, who shall hold office during pleasure.

The Treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditures of the city for the year ending 31st of December preceding, and of the assets and liabilities at that date, and submit the same to the auditors.

The Auditors shall audit the same with the Treasurer's books, and report thereon together with a special report as to any expenditures made contrary to law, and on or before the 1st day of May to transmit a copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the Clerk, which shall be open for inspection at any reasonable hour by any individual of the municipality, and who may, either by himself or his agent, make a copy or extracts therefrom.

178. Changing Time for Appointing Auditors. The Council of any municipality may pass a by-law for appointing its auditors in the month of November or December, instead of at its first meeting after organization, and while such by-law remains in force they shall be in each and every year so appointed.

179. Duty of City Auditors. The Auditors for Toronto and other cities, as in preceding section, shall make monthly audits, commencing at the end of January, and report upon all accounts affecting the municipality.

180. Permanent Auditors. The councils of any municipality may appoint an auditor who shall daily, or otherwise as directed by the Council, examine and report and audit the accounts of the corporation, and who shall perform such other duties as the Council may by by-law direct.

181. Filling Vacancies. In the event of a vacancy by death, resignation, or otherwise, the Council may, by by-law, appoint another person to fill the vacancy for the remainder of the year.

182. Duties of Auditors for counties, townships, towns and villages, shall be to examine and report upon all accounts affecting the corporation, or relating to any matter under its control, for the year ending 31st day of December preceeding their appointment.

(a) They shall prepare in duplicate an abstract of receipts and expenditure, assets and liabilities of the corporation, and also in duplicate a detailed statement of the same, in such form as the Council directs.

(b) They are required to make a report on all accounts audited by them, and a special report of any expenditure made contrary to law.

(c) They shall also, under a penalty of \$20 in case of default, transmit, by registered letter, a copy of the abstract, and also a copy of the detailed statement, to the Secretary of the Bureau of Industries, Toronto, and file the other abstract and detailed statement in the office of the Clerk within one month after their appointment, which shall be open to inspection at all reasonable hours to any inhabitant, and who may make copies thereof or abstracts therefrom.

(d) They shall also make a report upon the value of the securities given by the Treasurer, the cash balance due from the Treasurer to the municipality and where such balance is deposited, and what security exists that the same will be available when required by the municipality.

(e) They may in writing require the Treasurer to authorize any bank or company, with whom the public moneys are deposited, to exhibit the account to the auditors; and such treasurer shall, within twenty-four hours after delivery to him of such requisition, comply therewith upon pain of forfeiture of office.

(f) The Provincial Treasurer will retain in his hands all moneys payable to the municipality, if the returns have not been made by the auditors to the Bureau of Industries.

183. Auditing Accounts Before Payment. The Council of any city may, by by-law, provide that the auditors shall audit all accounts before payment.

184. Auditors to Stamp Vouchers. The auditors, after the examination of every account, voucher, receipt and paid debenture shall stamp, in indelible letters, thereon the word "audited," and shall also initial the same; and the municipality shall furnish a suitable stamp and pad for that purpose.

185. Publishing Abstracts. The Clerk shall publish the auditors' abstract and report (if any), and also the detailed statement in such form as the Council directs; and, in case of a local municipality, to transmit to the Clerk of the County Council a copy of such abstract and statement, who shall keep them on file in his office.

186. Council's Final Audit. The Council shall, upon the report of the auditors, finally audit and allow the accounts of the Treasurer and

collectors, and all accounts chargeable against the corporation, and in case of charges not regulated by law the Council shall allow what is reasonable.

187. Publication of Annual Statements. The Council of every town, township and village shall hold a meeting on the 15th day of December in each year, or if that day is Sunday, then on the following Monday, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on that day, together with a statement of assets and liabilities and uncollected taxes. A similar statement concerning the last fifteen days of preceding year shall be attached thereto. The statement must be signed by the Mayor or Reeve and the Treasurer, and published in one or more newspapers of the municipality, and also in such other newspapers circulating in the municipality as the Council may direct.

(a) Or instead of publishing the statement in a newspaper the Council may post up the same not later than December 24th in the office of the Clerk and of the Treasurer, and at the Post-office in the municipality, and not less than twelve other conspicuous places therein.

(b) The Clerk shall procure not less than one hundred copies of said statement, and deliver by post one of such copies to electors who first request him to do so, not later than December the 24th, and shall also see that copies of said statement are produced at the nomination.

This section does not apply to East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound or Haliburton.

188. False Financial Statement. If any member or officer of a municipality, or any other person, knowingly makes or procures to be made any untrue entry in the annual financial statement required in previous section, or causes to be omitted from such statement any item which should be included therein, he is liable, on conviction before two or more Justices of the Peace, to a penalty not less than \$5 nor more than \$40, and the costs.

189. Valuators. The Council of every county may appoint two or more valuers to value the real property within the county, who shall every fifth year, at farthest, ascertain the value of the same in such manner as the Council directs. Such valuers cannot exceed the powers possessed by assessors.

The County Council shall make the valuation so made the basis of the equalization of the real property for a period not exceeding five years. The equalization of personal property remains as heretofore.

At or before the expiration of the said period of five years, the County Council may extend the time for another period of five years upon the same valuation.

190. Declarations of Office and Qualification. Every person elected or appointed to any office is required, before entering upon its duties, to make and subscribe a solemn declaration of office.

And every person elected or appointed to any office requiring a property qualification shall, before entering upon its duties, subscribe a solemn declaration according to the statutory forms. (Section 311 to 319, R. S. O., 1897).

191. Before Whom to Declare. The head and other members of Council, as also the subordinate officers of the municipality, shall make the necessary declaration before some court, judge, police magistrate or justice of the peace, or the clerk of the municipality. The person so administering the declarations shall give the necessary certificates, and within eight days deposit the declarations in the office of the Clerk of that municipality.

(a) The head of the Council, alderman, reeve, deputy reeve, justice of the peace, or clerk, may administer oaths, affirmations or declarations under this Act relative to the business of the place in which he holds office.

(b) The head of the Council, or the Chairman in his absence, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council.

192. Penalties for Refusal. Every qualified person, duly elected or appointed to be a mayor, alderman, reeve, deputy reeve, county councillor, councillor, police trustee, assessor, or collector, who refuses such office or who does not, in the case of a county councillor, within *thirty days*, and in case of the others mentioned, within *twenty days*, after knowing of his election or appointment, make the declaration of office and qualification (where required), and every person authorized to administer the same who, upon demand, refuses so to administer the declarations, shall upon summary conviction, before two or more Justices of the Peace, forfeit not more than \$80 nor less than \$8 with costs, to the use of the municipality.

193. Salaries. In case the remuneration of municipal officers has not been settled by the Legislature, the Council is required to settle the same, and to provide for the payment thereof.

(a) The Council is required to fix, by by-law, the sum to be paid the Clerk for his services in carrying out the provisions of the Drainage Act, for copies of awards or other documents, or for any other services rendered by him other than those which it is his duty to perform.

(b) No Municipal Council shall make an appointment to office, or fix the remuneration by tender, or to applicants at the lowest remuneration.

194. Municipal Solicitor. Where a municipality employs a solicitor or counsel at a salary, the municipality has the right to receive and collect lawful costs in all actions as if the solicitor was not receiving a salary, and the costs were payable to him, in addition to his salary.

195. Tenure of Office. All officers appointed by the Council shall hold office until removed by the Council, and shall, in addition to the duties assigned them by the Municipal Act, perform all other duties required of them by any other statute or by the by-laws of the Council.

196. A Gratuity may be granted by any Council (other than a provisional council) to any officer of the corporation who, upon his removal or resignation, has been in the service of the municipality for twenty years, and who, while in service, has become through old age incapable of performing the duties of his office, the sum to be paid not to exceed the aggregate salary for the last three years of his service.

197. Bonds of Guarantee Companies may be accepted by the Council for officers who are required to furnish securities. Where other security has previously been given, said guarantee, bond, or policy may be accepted instead, and the other securities cancelled.

198. Board of Control. In cities having a population of 100,000 or over, there shall be a Board of Control to consist of the Mayor and three aldermen, three of whom shall be a quorum. The three aldermen shall be elected by the Council at the first meeting of the year, and in case of failure to elect at the first meeting, then within one week thereafter; they are to be elected by ballot, and each member of the Council has three votes, but can only vote once for one candidate.

The salaries to be paid to members of the Board shall be determined by a by-law of the Council, and shall not exceed \$700 per annum. They hold office for the year in which they are elected, but are eligible for re-election.

A member of the Board may also be a chairman of any committee.

The Council, at any time after three days' notice, in writing, to each member of the Council, may, by an affirmative vote of two-thirds of the members of the Council present and voting, remove any member of the Board of Control except the Mayor, and appoint another to fill the vacancy. It must be at a meeting specially called for the purpose.

199. Duties of the Board 1. To prepare an estimate of the proposed expenditure of the year, and certify the same to the Council. The Council may, by a two-thirds vote of the members present and voting, authorize additional appropriation or expenditure.

2. To prepare specifications for, and award all contracts, calling for tenders, etc. Upon the opening of any tender the Chairman or Board shall require the presence of the head of the department or sub-department with which the tender is connected, and, if required, the City Solicitor also. Such head of the department may take part in the discussions concerning the tenders, but shall not vote.

The Council cannot, except upon a vote of two-thirds of the members of the Council present and voting, reverse or vary the action of the Board in respect to such tender, when the effect of such vote would be to increase the cost of the work or to award the contract to a different tenderer than the one to whom the Board has awarded it.

3. To inspect and report to the Council monthly, or oftener, upon all municipal works in progress.

4. To nominate all heads of departments and sub-departments in case of vacancies, and to recommend the salaries of the officers and clerks. The Council, by a vote of two-thirds of the members of the Council present and voting therefor, may appoint such heads of departments and assistants without such nomination, or refer such nomination back to the Board for reconsideration.

The following officers are not to be nominated by the Board :

Any member of the fire department, except the head; nor any assessor, except the Assessment Commissioner; nor the representative of the Council on the Board of a harbor trust or a corporation; nor a member of the Court of Revision.

Where heads of departments had the power before the 7th day of April, 1896, to dismiss subordinate officers or employees, they still retain such power.

5. To dismiss or suspend any head of a department, and forthwith report the same to the Council. The Council, only by a two-thirds vote, may reinstate the party.

6. In the absence of any by-law of the Council in the matter, the Board shall control the appointment and duties of all the subordinate officers and clerks.

7. Where, in the opinion of the Board, it is advisable to amalgamate departments, they may submit by-laws to the Council for the same.

8. The Council may, by by-law, impose other duties on the Board, and require copies of the minutes of the meetings of the Board to be returned to the Council. One week's notice must be given for their return, or other information required.

The Council may also, by a majority vote, refer matters back to the Board for reconsideration. In all such votes taken where the Council seeks to reverse or set aside the action of the Board, the yeas and nays shall be recorded in the Council minutes.

9. The Board may appoint a secretary, who shall keep the minutes, prepare reports of the Board, and perform such other duties as may be assigned him by the Board, the Mayor, or the Council.

200. School Board Estimates. The Boards of the Public, Separate and High Schools, Police Commissioners, and Free Library of the city, respectively, shall furnish to the Board of Control, on or before the 1st day of March in each year, their respective annual estimates.

ASSESSMENT.

201. Property Liable to Taxation. All municipal taxes shall, where no other express provision has been made, be levied equally upon all the ratable property of the municipality according to the assessed value, and not upon any one or more kinds of property or in different proportions.

202. Exemptions. 1. All property vested in or belonging to Her Majesty, also all property held for the use of any tribe of Indians, and either unoccupied or occupied by some person officially.

2. Every place of worship and land used in connection therewith, church yard or burying ground; but land in which a place of worship is erected and used in connection therewith, is liable to assessment for local improvements same as other lands.

3. The buildings and grounds attached to a university, college, high school or other incorporated seminary of learning, not having gain for its object, whether vested in a trustee or otherwise, while occupied by such institution, or if not otherwise occupied, are exempt. The buildings and grounds attached to a university, college or other seminary of learning, are liable to assessment for local improvement.

4. Every public school house, city or town or township hall, court-house, gaol, house of correction, lock-up, and public hospital, with the land attached thereto and personal property belonging to each of them.

5. Every public road and way or public square.

6. The property belonging to any county or local municipality, unless occupied by some person as tenant or lessee otherwise than as a servant of the corporation for the purposes thereof.

7. Public parks, whether situated within the municipality owning them or elsewhere.

8. The Provincial Penitentiary, central prison, and the Provincial Reformatory and land attached thereto.

9. Every industrial farm, poor-house, alms-house, house of industry, asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging thereto.

10. The property of every public library, mechanics' institute, agricultural or horticultural society, if actually occupied by such society, and all the lands and buildings of "joint stock companies for the erection of exhibition buildings," when the municipality in which such buildings are erected consents to the exemption.

11. The personal property and official income of the Governor-General of Canada, and the official income of the Lieutenant-Governor of Ontario.

12. The houses and premises of the officers, non-commissioned officers and privates in Her Majesty's regular army or navy in actual service, while occupied by them, and not exceeding in value \$2,000; also the pay or half-pay pensions, salary or gratuity received by persons in either service from the Imperial treasury.

13. All pensions of \$200 and under payable out of the public moneys of the Dominion of Canada or of this Province.

14. All grain, flour, live stock or produce of the farm or field *in transitu*, held in store or warehouse for the *bona fide* purpose of being shipped to some other place.

15. All horses, cattle, sheep and swine which are owned and held by any owner or tenant of a farm, and carrying on the general business of farming or grazing.

16. The income of a farmer derived from his farm, and the income of merchants, mechanics or other persons derived from capital liable to assessment.

17. Personal property invested in mortgage upon land, or due on account of the sale of land, or invested in the Dominion, Provincial or municipal debentures.

18. Shares in the capital of a chartered bank doing business in this Province. The dividends however derived from such shares are assessable.

19. Stock held in any incorporated company whose personal estate is liable to assessment in this Province.

20. Stock held in any railway, shares in building societies, and any company incorporated for loaning money upon real estate. The interest and dividends derived from such investments are assessable.

21. Stock held in any toll road and the income derivable therefrom.

22. All personal property which is owned out of this Province.

23. Personal property equal to the debts owing upon such property is exempt. Debts secured by mortgage upon his property, or the unpaid account of the purchase money do not secure exemption to their extent.

24. The net personal property to the value of \$100 is exempt.

25. The annual income of any person not exceeding \$700 derived from his personal earnings, and the annual income of any person to the amount of \$400 derived from any other source are exempt. No greater sum than \$700 shall be exempt whether derived from earnings, income or both combined.

26. Rental or other income derived from real estate, except interest on mortgage.

27. Household effects, books and wearing apparel.

28. Steamboats, sailing vessels, tow barges and tugs. But the income derived from such property shall be liable to be assessed.

29. Patent rights cannot be assessed as personal property, but the income derived from a patent is assessable.

203. Farm Lands in Towns and villages used as such only, and in blocks of not less than five acres, by any one person, shall be assessed as farm lands, whether it has been divided into lots or not, with such percentage added as its situation reasonably calls for.

The Council is also required annually, at least two months before striking the rate of taxation for the year, to pass a by-law declaring what part of said lands shall be exempt or partly exempt from taxation for water works, fire protection, sidewalks, sewers, street watering, lighting, etc. They are not exempt from the general rate for the payment of debentures contracted before the 14th day of April, 1892, or renewals of them.

204. Income Exemption need not be accepted by any person who wishes to be assessed for the same to entitle him to a vote, or for other cause, and in such case shall be assessed.

205. Property of Non-resident. All real property within but owned out of the Province, is liable to assessment or exemption, as the case may be, as other property: so also personal property in control of an agent for a non-resident.

DUTIES OF ASSESSOR.

206. Assessment Rolls. Every assessor shall prepare an assessment roll, in which the following information shall be entered:

1. The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the municipality who have taxable property therein;

2. And of all non-resident owners who have given the required notice to the Clerk to have his name entered on the Assessment Roll for property held within the municipality;

3. The description and extent or amount of property assessable against each.

Property must not be assessed in the name of a deceased person; but

where the name of the person who should be assessed therefor is unknown it may be entered, "Representatives of A. B., deceased."

The assessors in townships, towns and villages, shall also enquire whether there has been a birth or death in the family within the previous twelve months; and if either, whether the same has been registered or not. If not registered, he shall put the figure "1" opposite the name in the "Birth" or "Death" column, as the case may be, and if registered the letter "R" in the column for "Registered."

And such further information and particulars as called for in the thirty-four columns contained in said Assessment Roll, according to Section 13 of Chap. 224, R. S. O., 1897.

207. Separate School Supporters. In any case where a Roman Catholic Separate School is established under the *Separate Schools Act*, the assessor shall accept the statement of a ratepayer, or a statement made on his behalf and with his authority, and not otherwise, that he is a Roman Catholic, and enter such person in the proper column as a Separate School supporter. If the assessor knows personally that such ratepayer is a Roman Catholic it is also sufficient for placing his name in such column.

208. How Property is to be Estimated. Except in case of mineral lands, real and personal property shall be estimated at their actual cash value, as they would be appraised for payment of a debt by a *solvent* debtor.

Mineral lands and their buildings are to be assessed as other lands in the neighborhood for agricultural purposes, as the income derived from such mines is subject to taxation.

209. Pleasure Grounds, park or garden used in connection with a residence, and not held for the purpose of sale, shall be assessed at a valuation, which at six per cent. would yield a sum equal to the annual rental, which, in the judgment of the assessor it is reasonably worth, according to its position and local advantages, except in cases where the Council, by by-law, requires it to be assessed as other grounds.

210. Toll Roads. Plank, macadamized or other toll roads, not owned by a municipality, shall be assessed as real estate, taking into consideration the land occupied by the road, the material used in its construction, buildings and toll gates, quarries and gravel pits, and roads to and from such places, and used in connection therewith. Bridges of over 100 feet long and the approaches thereto are not to be included therewith.

Where such road runs into or through more than one municipality, each municipality shall assess only such part as lies within its limits.

211. Assessment of Income. It is only the excess of income over and above the portion that is exempt from taxation that is liable for assessment.

212. Assessment of Merchants. The Council of a municipality may pass by-laws for imposing a business tax in respect to all classes of mercantile business without classification, providing such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on. Where such business tax is imposed

the personal property belonging to the business shall not be liable to assessment or taxation. The annual value of the premises is deemed to be an amount representing seven per cent. on the assessed real value of the premises.

213. Personal Property of incorporated companies shall be assessed against the company.

The personal property of a partnership shall be assessed against the firm at the usual place of business, and not against the individual members for their individual shares. If it has more than one place of business, each branch shall, as far as practicable, be assessed in the locality where it is situate, for the portion of personal property belonging to that branch.

Persons carrying on any trade, business or profession, having personal property in two or more municipalities or wards, or has two or more places of business in different municipalities or wards, he shall be assessed at each for that portion of the personal property connected with the business carried on thereat, as nearly as possible.

If a person has no place of business he shall be assessed at his place of residence.

214. Assessment of Salaries. For all persons drawing salaries or wages for employment in the municipality in which he does not reside, shall be in the municipality where the labor is performed, and not at his place of residence. This does not apply to clergymen, county municipal officers, government officers or to officers of local municipalities, where the location of the office is fixed by law or regulation, but the assessment in such cases shall be in the municipality wherein the incumbent resides.

215. Personality of Non-residents shall be assessed in the name of the agent or person in control of the same.

216. Joint Owners, resident in the municipality, of personal property shall be assessed separately.

217. Executors or trustees, being in sole possession or control of personal property, shall be assessed for such property, with the addition to his name of his representative character, and the assessment carried out in a separate line from his individual assessment.

218. Statement of Property. (1) Particulars about the real or personal property assessable against any person called for by the Assessment Roll, are required to be given by such persons to the assessors, and if the assessor has reasonable ground to doubt the correctness of such statement, he may require it to be given in writing. (2) The assessor may also require in writing from every corporation within the municipality whose dividends are liable to taxation, to furnish him a written statement, certified by the principal of the corporation in this Province, of the names of shareholders liable to be assessed for their incomes by such municipality, and the amount of stock held by such persons on the day named for that purpose by the assessor, the amount of bonuses and dividends declared during the preceding twelve months.

The assessor is not bound to be governed by any of the preceding statements, but may assess such persons as he deems to be just and correct.

The penalty, upon complaint of the assessor and conviction before a Justice of the Peace, for failure to give such statement as is required in the first sub-division of this section is a fine of \$20, and for the second sub-division of this section \$100, and for knowingly stating anything falsely therein \$50.

219. Return of Assessment Roll. Except in cities, towns and villages where by-laws of the Council provide differently, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April, and attach thereto his affidavit made before the Clerk, or a justice or a commissioner, and deliver to the Clerk of the Municipality said Assessment Roll, completed, added up and affidavits attached.

The Clerk shall forthwith file the same in his office and leave it for inspection by interested parties at all reasonable hours.

220. Special Provisions. 1. In cities, towns and villages the Council may pass by-laws for taking the assessment between July 1st and September 30th, the rolls being returnable in such case to the Clerk on or before October 1st, and the time for closing the Court of Revision the 15th of November, and for final return by the Judge of the County Court the 31st day of December.

2. The assessment so made and concluded may be adopted by the Council of the following year, on which the rate of taxation for said following year shall be levied, and the assessment of the preceding year as the basis of the assessment for that year; and even if not completed by the 31st of December, it may still be so adopted.

3. In cities having a population of 30,000 or more, the assessment may be made between May 1st and September 30th.

4. Councils of cities having a population of 100,000 or over may, by by-law, provide for taking the assessment at any time before September 30th, and for separate dates for the return of the roll in each ward, and also provide for a Court of Revision for hearing appeals from the assessment in each ward upon the return of the Assessment Roll for such ward.

221. Appeals. The time allowed in municipalities named in previous section for appeals from the assessment to the Court of Revision, shall be within five days after the return of the roll from each ward, and the time for appeals from the Court of Revision to the County Judge shall be within three days after the decision of the Court of Revision.

The Judge shall arrange to hear such appeals from time to time throughout the year within ten days after the sitting of the Court of Revision, and shall complete his revision of the last of such rolls for the city by the 20th day of October in each year.

222. County Councils may pass by-laws for taking the assessment in towns, townships and villages between the first day of February and the first day of July.

If such by-law extends the time for completing the Assessment Rolls beyond the 1st day of May, then the time for closing of the Court of Revision shall be six weeks from the day to which such time is extended, and the time for final return, in case of an appeal, shall be twelve weeks from that day.

COURT OF REVISION.

223. In Cities the Court of Revision shall consist of three members, one of whom shall be appointed by the City Council, and one by the Mayor, and the third shall be the official arbitrator appointed for the city. In cities where there is no official arbitrator the Sheriff of the county shall be the third.

1. No member of the City Council, and no officer or employee of the corporation shall be a member of the Court of Revision.

2. Remuneration of members in cities of 100,000 or more inhabitants shall not be paid more than \$500 each per annum, and in cities of 30,000 or more, but less than 100,000, not more than \$300 per annum, and in other cities each member shall be paid such sum per annum as the Council may determine.

3. The appointed members hold office until their successors are appointed, but the Mayor or Council may each, or either of them, after the organization of a new Council, and before the 1st day of March, appoint a member of such Court of Revision in place of any member appointed by the Mayor or Council, respectively, in a preceding year.

4. Two members shall constitute a quorum.

5. Vacancies shall immediately be filled by the authority which appointed the member so dying or resigning. In case of a vacancy in the office of sheriff or the sheriff being unable to act in cities where there is no official arbitrator, the Registrar of Deeds for the county, whose office is in the city, shall act as the third member during such vacancy.

224 In Other Municipalities than cities, if the Council consists of not more than five members, such five members shall be the Court of Revision for the municipality.

If the Council consists of more than five members, then the Council shall appoint five of its members to be the Court of Revision.

Three members shall be a quorum.

1. No member of the court shall act as a member when an appeal is being heard respecting property in which he is interested, directly or indirectly.

2. The Clerk of the Municipality shall be the Clerk of the Court, and record the proceedings.

3. The first meeting of the Court of Revision shall not be held until after the expiration of at least ten days from the expiration of the time within which appeals may be given to the Clerk of the Municipality. Any member of the court may administer an oath to witnesses.

4. A person summoned to attend a Court of Revision or before a County Judge as a witness fails, without sufficient reason, to attend,

having been tendered compensation for his time, at the rate of 75 cents per day, and his travelling expenses if he resides more than three miles from the place of trial; or if, being present in the court but refuses to be sworn if required to give evidence, he shall incur a penalty not exceeding \$25 and costs, to be recovered of any person suing for the same in a Division Court.

225. Proceedings. Notices of complaint by persons aggrieved or their agents must be given in writing to the Clerk of the Municipality within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, if not returned within the required time. The notice must give a name and address where notices can be served by the Clerk. Any elector who thinks that another person has been assessed too low or too high, or his name wrongly inserted in or omitted from the roll, may give such notice to the Clerk, and the Clerk shall give notice to such person and to the assessor of the time when such matter will be tried by the Court of Revision.

The Clerk of the Court shall post up in some convenient and public place within the municipality or ward, a notice of all the complaints made, stating the names of each, description of the matter complained against, and the time when the court will be held to hear the complaints.

The appeals shall be taken in the order in which they were received by the Clerk; but, an appeal, may be adjourned.

226. Appeals from the Court of Revision. An appeal to the County Judge shall lie not only against a decision of the Court of Revision on an appeal to said court, but also against the omission, or neglect, or refusal of said court to hear an appeal.

1. Except in municipalities where provision has been made by by-laws, the person appealing must, within five days after the time limited for the closing of the Court of Revision, serve a written notice upon the Clerk or Assessment Commissioner, if there be one, of his intention to appeal to the County Judge.

2. The Clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge.

3. As soon as the Judge notifies the Clerk of the day appointed for hearing the same, the Clerk shall put up a conspicuous notice in his office, or the place where the Municipal Council hold their meetings, giving the names of appellants, persons appealed against, the grounds of the appeal, and the date when the court will be held to hear the appeals. The decision of the Judge shall be final, and the Clerk shall amend the rolls accordingly. The costs will be apportioned by the Judge.

VOTERS' LISTS.

227. The Clerk is required, immediately after the final revision and correction of the Assessment Roll in every year, to make a correct alphabetical list in three parts of all persons being of the full age of twenty-one

years, and subjects of Her Majesty by birth or naturalization, and appearing by the Assessment Roll to be voters in the municipality, and prefixing to each his number upon the roll. The name must only be once in each part.

1. The first part shall contain the names, in alphabetical order, of all subjects by birth or naturalization of twenty-one years of age, appearing by the Assessment Roll to be entitled to vote in the municipality at both municipal elections and for members of the Legislative Assembly.

2. The second part shall contain the names, in alphabetical order, of all male persons, widows, and unmarried women twenty-one years of age, and subjects as previously stated, and appearing on the Assessment Roll to be entitled to vote at municipal elections only, and not for members of the Legislative Assembly.

3. The third part shall contain the names, in alphabetical order, of all other male persons twenty-one years of age, and subjects as previously stated, appearing by the Assessment Roll to be entitled to vote at elections for members of the Legislative Assembly only, and not at municipal elections.

Where a municipality is divided into polling sub-divisions there must be such lists prepared for each sub-division.

Opposite the person's name the Clerk shall mark the qualification—whether "Manhood Franchise," "Real Property," "Farmer's Son," etc.—as provided by the Ontario Voters' Lists Act.

The Clerk shall also, in making out the voters' lists, in the column containing the number of the voter on the roll, or in a separate column beside the same, mark the letter "J" opposite the name of every male person between the ages of twenty-one and sixty, who is qualified to serve as a juror, and the list shall show at or near the end thereof the aggregate number of such qualified persons to serve on juries.

The Clerk must also make out, with the Voters' List, a schedule containing the names, numbered consecutively, of every Post-office which, by the Assessment Roll, appears to be within the knowledge or belief of the Clerk, the proper Post-office address of every person on the list.

228. Distribution of Lists. Immediately after the Clerk has made the alphabetical lists, and within forty days in cities and thirty in other municipalities, after the final revision of the Assessment Roll, the Clerk shall have at least two hundred copies printed (in pamphlet form where practicable) and forthwith to post up, and keep posted up, one of the printed copies in a conspicuous place in his office, and to deliver or transmit by registered parcel three copies to the Judge of the County Court, and two copies to each of the following persons: (1) Every member of the Municipal Council, except the Reeve; (2) the Treasurer; (3) Sheriff; (4) Clerk of the Peace; (5) every Postmaster in the municipality; (6) every Head Master or Mistress of a Public or Separate School in the municipality; (7) the County Clerk.

The Clerk shall also forthwith deliver to or transmit ten copies to each of the following persons: (1) The member of the House of Commons for the electoral district in which the municipality lies; (2) the member of the Legislative Assembly; (3) every candidate for whom votes were given

at the then last election for the House of Commons and for Legislative Assembly; (4) the Reeve of the municipality.

Upon each copy of the list so sent out shall be a printed certificate over the signature of the Clerk, that such list is a correct list of all persons appearing upon the last revised Assessment Roll to be entitled to vote at the municipal and provincial elections, and calling upon all electors to examine the list and, if errors or omissions are discovered, to take immediate proceedings to have the same corrected.

229. Copies to be Posted Up. The Sheriff shall, immediately upon the receipt of his copies, post up one in a conspicuous place in the Court House, the Clerk of the Peace post up one in his office, every head teacher to post up one on the door of the school-house, and every postmaster to post up one copy in the Post-office.

230. Notice in Newspapers. The Clerk shall immediately cause to be inserted once in some local newspaper, or if none published in the municipality, then in one published in a neighboring municipality or the county town, a notice that he has transmitted such copies of the list as required, and give the date of the first posting up of the list in his office.

If within thirty days after the Clerk has posted up in his office no complaint is received by him, he shall forthwith apply, either in person or by letter, to the Judge to certify three copies of the list as being the revised list of voters for the municipality. The Judge retains one copy, transmits one so certified to the Clerk of the Peace, and one to the Clerk of the Municipality, to be kept by him among the records of his office.

231. Revision of Lists. The lists are subject to revision by the County Judge at the instance of any voter or a person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of names of voters being omitted or wrongfully stated, or of names being on the list who are not entitled to be voters, or persons disqualified under a penalty. Upon such revision no person shall be disentitled to have his name entered on the list, either because he did not deliver the statement required by the Assessment Act or because his name was omitted from the Assessment Roll. The Judge's decision is final.

232. Persons Entitled to be Entered. In case of a person having died or parted with property in respect of which his name was legally on the Voters' List, the person who was in possession of the property at the time of the final revision, and who is otherwise qualified to be a voter at a municipal election, may apply to have his name entered on the list in place of the first-mentioned person.

Also persons who will be of age within sixty days from the final revision of the Assessment Roll, are entitled to apply to the Judge to have their names entered on the Voters' List, or on the Assessment Roll and Voters' List, as entitled to vote at municipal elections.

Every other person who is entitled to be assessed or entered on the Assessment Roll, has a right to apply to the judge to be so entered on the Voters' List.

Every person who is entitled to have his name on the Assessment Roll or Voters' List may be entered without an application for the same, or other persons may make application to have the name of any other such person to be entered on the Voters' List or Assessment Roll.

Any person who has become qualified after the completion of the roll, but before the expiration of the time for appealing against the Voters' List, or application to the Judge, is entitled to be entered on the lists as a voter.

The Judge has power to correct the lists as the evidence in each case may, in his opinion, warrant.

The person entitled to be a voter in making the complaint should, within thirty days after the Clerk has posted up the Voters' List in his office, leave with him a notice in writing of his complaint, and intention to apply to the Judge in respect to the same. If the office of the Clerk through any cause is vacant, the notice may be given to the head of the Council.

233. Notice of Holding Court. The Clerk is required to give ten days' notice in some newspaper published in the municipality (or if none published there, then in a paper published in the nearest municipality or in the county town) of the time and place for holding the court.

The Judge is required to so arrange the sitting of the court so that the complaints may be heard and the list finally revised and certified within two months of the last day allowed for making complaints.

234. Penalty for Non-Attendance. Every person receiving a subpoena to attend as a witness must attend if the allowance for his expenses, according to the Division Court scale, is tendered him. This does not apply to persons whose rights are in question before the court.

Persons who have been properly subpoenaed (whose right to be a voter is the subject of inquiry) does not attend, the Judge may strike his name off the list or refuse to add it on, as the case may be, or impose a reasonable fine, or both.

235. Clerk's Remuneration. If the by-law providing for his appointment and remuneration does not include the work in respect to the revision of the lists, he shall, in that case, be entitled to the following fees:

1. Two cents for every name entered in the lists of complaint, and in respect to whom appeal was made.

2. Two cents for every name entered in any necessary copy of the said lists of complaint.

3. Eight cents for every necessary notice to any party complaining or complained against.

4. Three dollars for every day's attendance on the sittings of the court for the revision of the Voters' List.

5. And to the actual and reasonable disbursements, if any, necessarily incurred by him in serving the notices, when served by himself.

236. Constables' Fees. Persons acting as constables are entitled to \$1.50 for every day's attendance, and ten cents per mile one way for each mile actually and necessarily travelled in serving the notices and processes, and all other services in connection therewith, when allowed by the Judge.

237. Costs occasioned by errors may be ordered to be paid by the persons responsible therefor, whether the assessor or clerk, or either one jointly with others; and in case the error be on the part of the Court of Revision the municipality shall pay the costs, or shall jointly with any person; and where not specially provided for, the costs shall be in the discretion of the Judge.

238. Neglect of Duty by Clerk. The lists shall not be vitiated by a failure of the Clerk to perform his duties within the time appointed. In case the Clerk fails to perform any of the duties aforesaid, the Clerk of the Peace shall forthwith apply to the Judge to enforce the performance of the same. Any person entitled to be named as a voter on the list may also make the application to the Judge.

The penalty for neglect to perform his duty in connection with the lists incurs a penalty of \$200 for each such omission.

If the Clerk of the municipality, or the Clerk of the Peace, or any other person wilfully makes any alteration, omission or incorrect insertion, or in any way wilfully falsifies any certified list or copy, or permits the same to be done, shall incur a penalty of \$2,000.

239. Colorable Transfer of Property. Any person who becomes a party to any lease, or deed, or other instrument, or the party to any verbal arrangement whereby a colorable interest in land or a tenement is conferred in order to qualify a person to be a voter, becomes liable to a penalty of \$100; and a person who induces or attempts to induce a person to commit such offence is liable to a like penalty.

240. Recovery of Penalties. The penalties mentioned in the two preceding sections may be recovered, with costs, by any person suing for the same in any court of competent jurisdiction.

241. Creation of False Votes. If the Assessor has reasonable grounds to suspect that any person claiming the right to be assessed has not a just right to be assessed, he is required to make reasonable inquiries before entering such person's name on the roll.

Any Assessor who wilfully and improperly inserts a person's name on the Assessment Roll, or assesses a person too high with the intent of giving such person a vote, or who improperly omits the name of a person from the roll, or assesses a person at too low an assessment with the intent in either case of depriving a person of his right to be a voter, shall, upon conviction before a court of competent jurisdiction, be liable to a fine not exceeding \$200, and imprisonment until the fine is paid; or to imprisonment in the common gaol for a period not exceeding six months; or to both fine and imprisonment, in the discretion of the court.

242. Right to Inspect and Copy Documents. Any voter, or person entitled to be a voter, or any agent of such person, shall be entitled at all reasonable times, and under reasonable restrictions, to inspect and take copies or extracts from the Assessment Roll, notices, complaints, applications, and other papers respecting the assessment roll and voters' lists.

243. Clerk to Furnish Copies. The Clerk of the Peace or the Clerk of a municipality shall furnish a certified copy of lists, or parts of lists, to

any person requiring the same, at the rate of four cents for every ten words on the list required, or to furnish printed copies at the rate of six cents for every ten words. The alterations made therein shall be verified by the officer, placing his initials in close proximity to such alterations. Or the person may, in lieu of the Voters' List, require from such officer a copy of the statement of the alterations and corrections made by the Judge at the same rate as previously mentioned.

244. Ward Lists. The remainder of the matter concerning Voters' Lists given here applies to cities having a population of over 100,000, in which a by-law has been passed for taking the assessment at a time prior to September 30th, and fixing prior and separate dates for the return and final revision of the Assessment Rolls for each ward or sub-division of a ward.

1. Within fifteen days after the final revision of the Assessment Roll for any ward or sub-division of a ward, the Clerk of every city shall make up, print and distribute the alphabetical list of voters for such ward, and forthwith post up the list in his office, give notice in the manner mentioned in Section 230, and the notice shall state the boundaries of said ward.

2. The time for making complaints as to errors or omissions in such lists shall be within seven days after the publication of the notice.

3. If no complaint respecting the list is received by the Clerk within seven days after he has posted up the list in his office, he shall forthwith apply in person, or by letter, to the Judge to certify three copies of the lists as being the last revised list of voters for the ward, one to be retained by the Judge, one to be transmitted by him to the Clerk of the Peace for the county in which the city lies, and one to the Clerk of the Municipality, to be kept among the records of his office.

4. The County Judge must arrange so that all complaints may be heard, and the lists for the ward finally revised and corrected within ten days after the last day allowed for making complaints. The lists for each ward shall be made up and finally revised before the 1st day of December.

5. Forthwith after the printing and posting up the last of such lists, revised and certified to by the Judge, the Clerk shall have them bound up together. Immediately after posting up the last of such revised list, the Clerk shall give notice in each daily newspaper published in the city, calling upon all persons who are aware of any errors in the said lists, or of changes which have been rendered necessary through any cause, to give notice of the same, and naming a time and place when the Judge will finally revise the lists for the whole city.

6. The Judge at such last sitting will make whatever changes are rendered necessary in his certified copy of the Voters' Lists for each ward, and initial the alterations so made. The Clerk shall also make the same alterations in his certified copy, and when so made the Judge shall initial the same. The clerk shall then prepare a list of all changes made in the lists at the last sitting, which shall be certified to by the Judge and delivered to the Clerk of the Peace with the last list as revised, who shall bind up the same with the copies previously certified by the Judge, and deliver the same to the Clerk. The said lists as so finally revised, corrected and certified, shall form the last revised Voters' List for the city within the meaning of this Act.

BY-LAWS.

Every by-law must be under seal, and signed by the head of the Council, or by the person presiding at the meeting at which the by-law is passed, and also by the Clerk of the Corporation.

245. As Evidence. A copy of any by-law, written or printed, without erasure or interlineations, under seal of the corporation, and certified to be a true copy by the Clerk and by one member of the Council, shall be deemed authentic, and be received in evidence in any court of justice without proof of seal or signature, unless specially alleged that the seal, or one or both the signatures, have been forged.

246. Government Approval of By-Laws. The facts required to be recited in a by-law, which requires the approval of the Lieutenant-Governor in Council, must, before receiving such approval, be verified by solemn declaration by the head of the Council, Treasurer and Clerk, and by such other person and on such other evidence as the Lieutenant-Governor in Council may require. In case of the death or absence of any of the municipal officers mentioned, then upon the declaration of any other member of the Council whose declaration the Lieutenant-Governor in Council accepts.

247. Opposition to By-Laws. In case any ratepayer objects to the passage of a by-law which requires to be preceded by an application of a certain number of ratepayers, he shall, on petitioning the Council, be permitted to attend in person, or his counsel or agent, before the Council or committee at the time the by-law is to be considered, and produce evidence: That the necessary notice of the application for the by-law was not given; or that certain signatures to the application are not genuine, or obtained upon incorrect statements; or that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law.

If the Council is satisfied, upon the evidence, that such representations are correct, the by-law shall not be passed.

VOTING ON BY-LAWS.

In case a by-law requires the assent of the electors before the final passing thereof, the proceedings to be taken, except in cases otherwise provided for, are as follows:

248. Time and Place. The Council shall, by by-law, fix the day, hour and place, or places, for taking the votes, and appoint the deputy returning officers. The day so fixed must not be less than three nor more than five weeks after the first publication of the by-law.

249. Publication of By-Law. The Council shall, before the final passing of the by-law, publish a copy of it in some public newspaper,

either in the municipality or in the county town or adjoining local municipality, as the Council may designate by resolution, at least one issue each week for three consecutive weeks, and also post up a copy of the by-law at four or more of the most public places in the municipality.

Appended to the copy of the by-law so published and so posted must be a notice signed by the Clerk of the Council, stating:

That the copy is a true copy of the proposed by-law;

That the by-law will be finally passed, if the assent of the electors is obtained, after one month from the time of the first publication thereof (stating the date);

And that at the hour, day and places therein fixed for taking the votes of the electors, the poll will be held.

250. Ballot Papers. The Clerk is required to furnish a sufficient number of ballot papers, to be printed at the expense of the municipality, and to be in form according to Schedule "J," page 2699, R. S. O., 1897.

251. Summing up of the Votes. The Council shall, by the by-law, fix a time when and a place where the Clerk of the Council shall sum up the votes given for and against the by-law; also a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk on behalf, respectively, of the persons interested in and promoting or opposing the passage of the by-law.

252. Selection of Agents. At the time and place named (previous section), the Mayor or head of the Council shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of passing the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law.

Before any person is so appointed he shall make a declaration before the head of the municipality that he is desirous of promoting or opposing the passage of the by-law (Schedule "K").

253. Admission of Agents to Polling Place. Persons so appointed shall, before being admitted to the polling place, or the summing up of the votes, as the case may be, produce to the Deputy Returning Officer or Clerk of the Municipality, as the case may be, his written appointment.

In the absence of any person duly authorized, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer or the Clerk, as the case may be, a declaration as before mentioned, be admitted to the polling place in place of the person so absent.

254. Exclusion from Polling Place. During the time appointed for polling no person shall be admitted to the polling place other than the officers, clerks and persons or electors authorized to attend.

255. Voters' List. In a municipality divided into wards the Clerk is required to prepare and deliver to each deputy returning officer of a ward or polling sub-division, before the poll is opened, a Voters' List for

such sub-division containing the names, alphabetically arranged, of all persons appearing by the then last revised Assessment Roll to be entitled to vote in that ward, said list to be attested by his solemn declaration in writing.

In case of municipalities not divided into wards or polling sub-divisions, the Clerk shall provide himself with all the necessary papers, and perform each and all the several duties imposed upon the deputy returning officers.

THE POLL.

256. On the day and at the hour fixed, a poll shall be held and the vote taken by ballot.

The proceedings at the poll and incidental thereto, together with the duties of the Clerk and deputy returning officers, shall be the same as nearly as may be as at municipal elections, and all the provisions governing the same (from Sections 138 to 206, inclusive,) shall apply except as otherwise specially provided.

The printed directions to the deputy-returning officers shall be in the form of Schedule "L".

257. Who Can Vote. The persons entitled to vote on such by-law are:

Freeholders who are entitled to vote at a municipal election (see Section 31) and are named on the Voters' List

Leaseholders who would be entitled to vote at a municipal election, whose lease extends for the period of time within which the debt to be contracted or the money to be raised under the by-law is made payable, and in which lease the lessee has also covenanted to pay the municipal taxes. (This does not apply to by-laws respecting local improvements, under Section 682, unless he has covenanted in his lease to pay local improvement taxes.)

For new municipalities in which there has not been any Assessment Roll, the requirements of being named on the list, and being rated on the roll, shall be dispensed with; but in such case the person offering to vote must possess all the other qualifications, and be at the time a resident of the municipality, and have then sufficient property to entitle him to vote if he had been rated for such property, and must also name such property to the Deputy Returning Officer, also at the request of any one entitled to vote the deputy returning officers shall note such property in the Voters' List opposite the voter's name.

258. Where to Vote. Electors may vote in each ward in which they are qualified to vote.

Electors acting as deputy returning officer, or poll clerk, or agent may vote where they are appointed and acting in that capacity, on production of a certificate from the Clerk to that effect. The certificate must state the property or other qualification entitling him to vote, and such certificate must be attached by the Deputy Returning Officer to the Voters' List.

259. Challenging a Voter. Any ratepayer entitled to vote, or the Deputy Returning Officer, may require the voter to take the prescribed oath, or affirmation, or any part of it desired, before his vote is recorded.

No question shall be asked the voter except with respect to facts specified in the oath.

260. Returns of Deputy Returning Officers. The duties of the Deputy-Returning Officer after the close of the poll are given in Sections 359 to 363, inclusive. Similar to those required at municipal elections, for which see also Sections 86 to 94, this book.

261. Clerk to Declare Results. After receiving the ballot papers and statements, the Clerk shall at the time and place appointed by by-law, in the presence of the persons authorized to attend, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result and forthwith certify to the Council whether the electors voting have approved or disapproved of the by-law.

262. Clerk and Casting Vote. Where the assent of the electors or of the ratepayers, or a proportion of them, is necessary to the validity of a by-law, the Clerk or other officer shall not be entitled to give a casting vote.

263. Secrecy of Proceedings at Polling Places. Every officer, or Clerk in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting at the polling place.

No such person shall attempt to interfere with a voter when marking his ballot, or attempt in any way to obtain information as to how he votes.

No such person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any elector voted.

They must not directly or indirectly induce any voter to display his ballot paper after he has marked it so as to make known how he votes.

Every person who acts in contravention of this section shall be liable, upon summary conviction before a stipendiary magistrate, police magistrate, or two justices of the peace, to imprisonment for a term not exceeding six months, with or without hard labor.

264. Validity of Bonus By-Laws. To render valid a by-law for granting a bonus in aid of a railway or water works company, or taking stock in a railway company, or lending money to such company, or guaranteeing payment of money borrowed by such company; the by-law must be carried by a majority of all the ratepayers voting thereon, and such majority must also constitute one third of all the voters entitled to vote on the by-law.

Section 364 provides that the Clerk in his certificate shall, in case the majority of votes are in favor of the by-law, further certify whether or not such majority appears to be one-third of all the voters entitled to vote on the by-law.

In case of dispute as to the result of the vote, the County Judge has

the power of determining the question as in any case of a scrutiny of votes.

The petition to the Judge may be by any elector, or by the Council.

265. Scrutiny of Votes. If, within two weeks after the Clerk has declared the result of the voting, any elector applies, upon petition, to the County Judge, after giving notice of such application, and to such persons as the Judge directs, and shows by affidavit to the Judge reasonable grounds for a scrutiny of the ballot papers, and such person enters into a recognizance in the sum of \$100, with two sureties in the sum of \$50 each, to prosecute the petition with effect, and to pay the costs that may be adjudged against him, the Judge may appoint a day and place within the municipality for the scrutiny.

266. Notice of Time. At least *one week's* notice of the day appointed must be given by the petitioner to such persons as the Judge directs, and to the Clerk.

267. Powers of Judge. On the day and at the hour appointed the Clerk shall, with the ballot papers, appear before the Judge, who, after inspecting the ballot papers and hearing the respective parties on both sides, shall determine whether the majority of the votes given is for or against the by-law, and forthwith certify the result to the Council. The costs shall be in the discretion of the Judge.

268. By-Law Passed by Council. A by-law duly carried by vote of the qualified electors shall, within *six weeks* thereafter, be passed by the Council.

In case of a petition being presented, the by-law shall not be passed until the petition has been disposed of, but the time consumed in disposing of the petition shall not be reckoned as part of the six weeks.

CONFIRMATION OF BY-LAWS.

The promulgation of a by-law consists in the publication through the public press of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. The publication shall be in such public newspaper, published either in the municipality, or in the county town, or in a public newspaper published in an adjoining municipality as the Council may designate by resolution, and shall be continued in at least *one* number of such paper each week for *three consecutive* weeks. The form of notice is given in Section 376, Chap. 223, R. S. O., 1897.

269. By-Law Confirmed. In case no application is made to quash the by-law *within three months* after its *third publication*, the by-law, or so much of it as is not the subject of any such application, or not being *quashed*, shall, notwithstanding any want of form, either in the by-law itself or in the time or manner of passing the same, be a valid by-law.

QUASHING OF BY-LAWS.

Any resident or person interested in a by-law, order or resolution of the Council may apply to the High Court to quash such by-law, order or resolution, in whole or in part, for illegality, and the Court may, after due notice, quash the same, in whole or in part, and award costs for or against the corporation.

270. How to Proceed. The applicant must produce to the Court a copy of the by-law, order or resolution, certified under the hand of the Clerk and under the corporate seal, and show by affidavit that the same was received from the Clerk, and that the applicant is resident or interested in the by-law, order or resolution.

The applicant is also required to enter into a recognizance before the County Judge in the sum of \$50, and two sureties in \$50 each, to prosecute the motion with effect. Seven days' notice of the motion must be given to the corporation.

271. One Year's Limit. The application to quash a by-law, order or resolution must be made within one year from passage of the same, except in the case of a by-law requiring the assent of the electors or ratepayers, when the by-law has not been so submitted, and in such case the application to quash the by-law may be made at any time.

272. Three Months' Limit. When a by-law by which a rate is imposed has been promulgated in the manner specified in previous sections, no application to quash it shall be considered after the expiration of three months from its promulgation (publication).

273. Bribery and Corruption. A by-law, the passage of which has been procured by means of bribery, personations, or any other undue influence, may be quashed on application as previously stated.

274. Inquiry by Judge. Before determining an application to quash a by-law on the grounds of bribery, etc., if the Judge of the High Court is satisfied that sufficient grounds exist for a motion to quash the by-law, he may order an inquiry to be made on such notice as he may direct, before the Judge of the County Court and require that all witnesses for and against the by-law be examined before such county court judge.

After the evidence has thus been taken and returned by the County Judge, the Judge of the High Court, upon notice to such of the interested parties as seems to him proper, may here and finally determine the question, and either quash the by-law or dismiss the application and award costs accordingly and as seems to him equitable.

275. Stay of Proceedings. After a judge has made an order for an inquiry and a copy of the order left with the Clerk of the Corporation, all proceedings on the by-law must be stayed until the application is disposed of, unless the Judge should, for cause, remove the stay of proceedings.

276 Liability for Acts Under Illegal By-Law. A municipality is liable for anything done under an illegal by-law, order or resolution, but

no action shall be brought for one month after such by-law, order, or resolution has been quashed or repealed, nor until after one month's notice in writing has been given to the corporation of the intention to bring such action. The action must be against the corporation and not against any person acting under the by-law.

277. Costs of Action. If the Corporation tenders amends to the plaintiff or his solicitor, and such tender is pleaded and proved, and if no more than the sum tendered is awarded the plaintiff will not recover any costs.

BY-LAWS CREATING DEBTS.

Every Municipal Council may pass by-laws for contracting debts for anything within its jurisdiction, and for levying rates for the payment thereof.

278. When They Take Effect. The time when a by-law is to take effect (if not creating a debt for the purchase of public works) must be named in the by-law, or it will take effect on the day of the passing thereof.

279. When to be Redeemed. If a debt is contracted for gas or water works, railways, harbor improvements, or other public works, or the construction of sewers, purchase and improvement of parks, or erection of school-houses, or for electric light works in towns having a population of five thousand or under, the debt shall be made payable in thirty years at furthest from the day on which the by-law takes effect; but if the debt is not contracted for such purposes it shall be made payable in twenty years at furthest from the day on which the by-law takes effect.

280. Yearly Rate. The by-law shall name a certain specific sum to be raised annually for the payment of interest; and also a certain sum on account of principal, which being invested will, with the accumulated interest therefor, at not more than 4 per cent., will be sufficient to discharge the debt at maturity. Such annual rate must begin from the date when the debentures are directed to be issued. This does not effect a by-law passed before July 1st, 1897.

281. When Debentures are to be Issued. The debentures may be issued all at one time and must be within a year after the passing of the by-law, or the by-law may provide for them to be issued in instalments, in which case, the first instalment must be within one year and the whole within five years after the passing of the by-law.

282. Special Rate. The by-law shall also provide that such annual sum shall be levied by a special rate on all the ratable property within the municipality. If the by-law is for a work payable by local assessment, then the sum to be levied on such property only as is ratable under the by-law or per foot frontage, as the case may be.

283. Things the By-Law Must Recite. The by-law, unless it is for a work payable by local assessment, shall recite:

1. The amount of debt, and the object for which it is to be created.
2. The total amount to be raised annually for the debt and interest.
3. The amount of the ratable property of the municipality according to last revised Assessment Roll.
4. The total amount of the existing debenture debt, and how much of principal or interest is in arrears, if any.

When the by-law is for a work payable by local assessment, it shall recite:

1. The amount of the debt, and the object for which it is to be created.
2. The total annual amount to be raised for payment of the debt and interest.
3. The value of the real property ratable under the by-law.
4. That the debt is created on the security of the special rate settled by the by-law, and on that security only.

284. Guaranteeing Local Improvement Debentures. To add to the commercial value of the Debentures, when the by-laws are passed for works payable by local assessment, the Council may declare that the debt to be created on the security mentioned is further guaranteed by the municipality at large.

285. Principal Repayable by Instalments. In case a by-law is passed for contracting a debt for any purpose, the Council may make the principal and interest payable by annual instalments during the periods previously mentioned, the limit being twenty or thirty years (see Section 279), as the case may be, the annual amounts to be paid during the whole period to be as nearly equal as may be.

286. The Debentures may be issued by the corporation for the amount payable at the times corresponding with such instalments, together with interest annually or semi-annually, as may be provided in the by-law.

287. Amount to be Raised. The by-law must set forth a certain specific amount, to be raised each year, sufficient to discharge the several instalments of principal and interest as they become payable.

In such case it shall not be necessary to provide a sinking fund.

288. Special Rates are a Lien on Property. Every special assessment made and every special rate levied under any of the provisions of the Municipal Act, and all sewer rents and charges for work done by the corporation, shall form a lien and charge upon the real estate in respect of which the same shall have been assessed, and shall be collected in the same manner and with the same remedies as the ordinary taxes upon real estate.

289. What By-Laws Require Assent of Electors. Every by-law for raising upon the credit of the municipality, moneys not required for ordinary expenditure and not payable within the same municipal year, must receive the assent of the electors; except those for drainage or for a work payable entirely by local assessment. (Municipal Act, Section 338.)

290. Exception as to Court-Houses. Where a county and a city are united for judicial purposes, the Council of the county or city may, by by-law or by-laws passed at any meeting of such Council, and without the assent of the electors, raise such sums of money as may be necessary for erecting and furnishing a court-house and offices in connection therewith, and acquiring such land as may be necessary for the same.

291. Exception as to County Debt. It is also provided that the Council of a city may pass by-laws to raise money that may be necessary to liquidate their share of a county debt awarded or agreed upon, and to issue debentures for that purpose for such times and upon such terms as they are entitled to do for meeting any other liability of the municipality.

292. Repealing Money By-Law. When part only of the money provided for by a by-law has been raised, the by-law may be repealed, as to any part of the residue, and also as to a proportionate part of the special rate imposed therefor. The repealing by-law must recite the facts on which it is founded; take effect on the 31st of December in the year of its passing; and not to affect any rates due or penalties incurred before that day; and first receive the assent of the Lieutenant-Governor in Council.

293. A By-Law Not to be Repealed. After a debt has been contracted, the Council is not permitted to repeal the by-law under which it was contracted, or any by-law for paying the debt or interest thereon, or providing a rate, or appropriating any surplus money of any work or money from any other source, until the debt and interest have been paid.

The Council shall not alter any by-law providing any such rate, so as to diminish the amount to be levied, or apply to any other purpose any money of the corporation which has been, by resolution or by-law, directed to be applied to such payment.

294. By-Law to be Enforced. No officer of a municipality shall neglect to carry into effect a by-law for paying a debt under cover of an illegal by-law, attempting to repeal the former or diminish the amount to be levied under it.

295. Debts Due the Crown. The Council may contract a debt in the purchase of any of the public roads, harbors, bridges, buildings, or other public works in Ontario, whether belonging to the Province or the Dominion of Canada, and may execute the bonds and other securities to Her Majesty as the Council may deem fit for payment of the price of such works, and may also pass all necessary by-laws for such purpose, although no special or other annual rate has been settled, to be levied in each year as provided in Sections 384 to 386 of the Municipal Act.

296. Special Rate May be Imposed. The Council may, in any by-law to be passed for the creation of such debt, or for executing such bonds, deeds or other securities, settle and impose a special rate per annum of such amount as the Council may deem expedient, in addition to all other rates to be levied in each year for the payment and discharge of such debts and securities, and the by-law shall be valid, although the rate imposed is

less than Sections 384 to 386 require (see Sections 280 and 282, this book). Those Sections shall in other respects apply to such by-law.

297. Registration of By-Laws. Every by-law passed for *contracting a debt* by the issue of debentures for a longer period than *one year*, and for levying rates on the ratable property of the municipality for the payment of such debt, must be registered by the Clerk in the registry office of that municipality, within four weeks after the final passing thereof. Fee for registering, \$2.

298. Absolute Validity. Every such by-law so registered, or registered before the sale of the debentures issued thereon, shall be absolutely valid, and also the said debentures, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made within *three months* from the registry thereof, and a certificate from the Clerk of the Court stating that such action had been brought, or application made, shall have been registered in said registry office within the said three months. Fee for registering notice of action, 50c.

299. Dismissal of Action. If the action is dismissed in whole or in part at the expiration of the said three months, the by-law, or so much of it as is not quashed, shall be absolutely valid. A certificate of dismissal may also be registered for a fee of 50c.

300. Publication. Notice of the passing of every by-law to which the three preceding Sections refer, and which have not been submitted to the ratepayers, shall immediately after their registration be published in a local newspaper, such as the Council may designate by resolution, and be continued in at least one number of such paper each week for three successive weeks.

For form of notice see Section 397, Chap. 223, R. S. O., 1897.

301. Quashing After Registration. In case of a local improvement by-law providing for the issue of debentures, which has been passed and registered, the debentures issued and the assessment levied upon the real property mentioned in the same, said by-law shall be valid, notwithstanding any defect in substance or form in the by-law itself, or the time or manner of passing the same, and shall not be set aside, unless an application is made to the Court within one month from the registry thereof.

302. Registering Application to Quash. When an application is made to quash or set aside a by-law, a certificate, under the hand and seal of the Clerk of the Court, shall be registered in the proper registry office within five weeks from the date of registering the by-law, and, in default thereof, the Court may refuse to hear the case, or may dismiss the action to quash the by-law.

303. Statutory Caution. The provisions here enumerated for the validity of by-laws will not make valid a by-law, or the debentures issued thereunder, if it appears on the face of such by-law that the provisions of Sub-sections 4, 5, 8 and 9 of Section 384, or the provisions of Section 386

of the Municipal Act have not been substantially complied with. See Sections 279, 280, 282, 285, 286 and 287, of this book.

304. Unregistered By-Laws. By-laws passed under the Municipal Drainage Act, or for local improvements under the Municipal Act, providing for the issue of debentures, need not necessarily be registered, but may be registered at the option of the municipality.

305. Yearly Rates. The Council shall in each year assess and levy on the whole ratable property in the municipality a sum sufficient to pay all the valid debts falling due within the year, but the aggregate rate must not be more than two cents in the dollar, exclusive of school and local improvement rates.

306. Exception. If the current annual expenses, together with the interest and principal of the debts contracted on or before the 29th day of March, 1873, would require more than two cents on the dollar, the Council may levy such further rate as may be necessary to discharge the obligations incurred up to that time, but they shall not contract any further debts until the annual rates required to be levied are reduced within the two-cent rate aforesaid. This does not apply to any special Act now or hereafter to be in force.

307. How Estimated. In counties and local municipalities the rates are to be calculated at so much in the dollar upon the actual value of the real and personal property liable to assessment therein.

308. Annual Estimates. The Council shall every year make estimates of the sums necessary for the lawful purposes of the municipality for the year, making allowances for cost of collection, etc., and may pass one or more by-laws authorizing the levying and collecting the sums required by such annual estimates.

309. In Case of Deficiency. If the amount collected falls short of the sum required, the deficiency may be made up from any unappropriated fund belonging to the municipality. If there is no such fund, the estimates may be reduced.

310. In Case of Excess of sum collected over the estimates the balance shall form part of the general funds, unless otherwise specially appropriated. If the excess forms part of a sum collected by special tax upon any particular locality, then the amount so collected shall be appropriated to the special local object.

311. County By-Laws of \$20,000. A county council may, during any term, raise by by-law a sum not exceeding \$20,000, over and above the sums required for its ordinary expenditure without submitting the by-law to the electors.

Such by-law must be passed at a meeting of the Council specially called to consider the same, and not less than three months after a copy of the by-law, and the date for the meeting have been published in a newspaper published weekly, or oftener, within the county, or if none within the county, then in a newspaper published nearest to the county.

312. When Taxes are Due. The taxes levied for any year shall be considered to be imposed and due on and from the 1st day of January of the current year, and ending the 31st day of December, unless otherwise expressly provided for.

313. Priority of Debentures. All debentures issued before January 1st, 1867, hold the order of priority which they held at that date.

Each corporation having so issued debentures shall levy a rate on the actual real value of the ratable property within the municipality sufficient to produce a sum equal to that produced on the yearly value of such property, as established by the Assessment Roll for the year of 1866, and such rates to be applied solely to the payment of such debentures or interest, according to the terms of the by-law under which they were issued.

In case a sinking fund is required to be provided for, then such rate must be levied as will at least equal the sum originally intended to be set apart.

314. Power to Exempt from Taxation. The Council has the power, by a two-thirds vote of the members thereof, to exempt, except for school taxes, any manufacturing establishment, including the lands, buildings, plant and machinery, or a building for the storage of ice for commercial purposes, or any water works or water company from taxation, in whole or in part, for a period not exceeding ten years, and to renew the exemption for a further period of ten years.

315. Reducing the By-Law Rate. If for any reason it is found to be unnecessary to levy the full rate imposed by any by-law in order to raise the instalment of the sinking fund and interest, the Council may pass a by-law reducing the rate so that no more money is raised than is required.

Such a by-law, in order to be valid, must be approved of by the Lieutenant-Governor in Council after it is passed. The facts which justify the reduction must be verified in manner named in Section 335, Municipal Act; or Section 246, this book.

ANTICIPATORY APPROPRIATIONS.

316. In case a Council desires to make an *anticipatory appropriation* for the next ensuing year in lieu of the *special rate* for such year in respect to any debt, it may do so by by-law, subject to the following provisions and restrictions:

317. Funds that may be Appropriated and carried to the credit of the *sinking fund account* of the debt as much of them as may be necessary for the aforesaid purpose, are:

1. Any money at the credit of the *special rate account* of the debt beyond the interest on such debt for the year *following* that in which the anticipatory appropriation is made.

2. Money raised for the purpose aforesaid by additional rate or otherwise.

3. Money derived from any temporary investment of the sinking fund.

4. Surplus money derived from any corporation work or from any share or interest therein.

5. Any unappropriated money in the treasury.

Any of the above moneys not having been otherwise appropriated.

318. The Source and Application. The by-law making the appropriations must name the several sources whence the amount is made up, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation for the next ensuing year.

319. Yearly Rate Suspended. When the moneys so retained and appropriated are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may, by by-law, direct that the original yearly rate for such year be not levied.

320. What the By-Law must Recite. In order to be valid the by-law must recite :

(1) The original amount of the debt and, briefly, the object for which the debt was incurred ;

(2) The amount, if any, paid off the debt ;

(3) The annual amount of the sinking fund appropriation required in respect to such debt ;

(4) The total amount then on hand of the sinking fund appropriations in respect to such debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

(5) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation ; and

(6) That the Council has retained at the credit of the *special rate account of the debt* a sum sufficient to meet the next year's interest (naming the amount), and that the Council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount) for such year.

To be valid the by-law must receive the approval of the Lieutenant-Governor in Council.

321. Dissolution of Municipal Union. After the dissolution of a municipal union the senior municipality may make an anticipatory appropriation for the junior municipality in respect to any debt secured by by-law.

ACCOUNTS AND INVESTMENTS.

322. Two Compulsory Accounts. The Council is required to keep in its books two separate accounts of every debt, one for the *special rate* and one for the *sinking fund* or for instalments of principal, both to be distinguished from all other accounts by some prefix designating the purpose for which the debt was contracted. Such accounts must be kept so as to exhibit at all times the state of every debt and the amount of moneys raised and appropriated for payment of same.

If there is a surplus it must remain to the credit of the *special rate*

account and may be applied towards the next year's interest, but if it more than pays the interest then the excess must be carried to the sinking fund account or paid on the principal of such debt.

323. Sinking Fund Money must not be used in any case for current expenditure, unless so authorized by the Municipal or some other Act.

324 Councillors' Personal Liability. In case a Council diverts any of said moneys the members who *vote* for such diversion are personally liable for said amount, which may be recovered in any court of competent jurisdiction. Such members are also disqualified from holding any municipal office for two years.

If the Council, upon the request of any ratepayer, neglects for one month thereafter to bring such action in the name of the municipality, the action may be brought by any ratepayer on behalf of himself and all the other ratepayers of the municipality.

325. Treasurer's Annual Statement. The Treasurer is required to lay before the Council every year before the striking of the annual rate, a statement showing the amount to be raised towards a sinking fund. Failure to do so renders him liable to a penalty of \$25, to be recovered at the instance of any resident ratepayer.

326. Neglect to Provide Sinking Fund. If the Council neglects in any year to levy the amount required to provide a sinking fund for the payment of the debenture debt of the municipality, every member of the Council is disqualified from holding any municipal office for two years. Any member may free himself from this penalty by showing to the satisfaction of the judge or court that he made reasonable efforts to procure the levying of the required rate.

327. Redemption of Debentures. The Lieutenant-Governor in Council may direct that a portion of the special rate levied and at the credit of the sinking fund account, instead of being invested, shall be applied to the payment of the debt or debentures though not then payable, and at such value as the Council can agree upon. The Council shall apply and continue to apply such part of the produce of the special rate as directed by such Order in Council.

328. Investment of Surplus. If the moneys at the credit of the sinking fund, or special rate account, cannot be immediately applied towards payment of such debt, the Council is required to invest it in Government securities, municipal debentures, or in first mortgage on real estate, farm property, or in such other debentures as the Lieutenant-Governor in Council may approve. A mortgage on real estate must not exceed two-thirds in value according to the last revised Assessment Roll (see Section 420, Municipal Act).

329. Purchasing Unsold Debentures. The Council may use the sinking fund in purchasing unsold debentures, and hold such debentures as an investment on account of the sinking fund.

330. Appropriation of Surplus Funds. The Council may, by by-law, direct that any surplus moneys in the hands of the Treasurer, and not specially otherwise appropriated, shall be credited to the sinking fund of any debenture debt, and invested as previously stated.

The Council may also apply the surplus income derived from any public or corporation work, or any surplus money raised by additional rate to the payment of any debt, either carrying it to the sinking fund account of the debt or paying any instalment accruing due.

331. Educational Investment. A municipality having surplus moneys derived from the "Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, investing the same in public securities or in first mortgages on real estate used for farming purposes. The mortgage must not exceed two-thirds of the value of the real estate on which it is secured, according to the last revised Assessment Roll.

332. Loans to School Trustees. The municipality may, by by-law, invest any surplus money set apart for educational purposes by loaning it to any Board of school trustees in the municipality; or may, by by-law, grant any portion of such funds or from other general funds by way of gift to aid poor school sections within the municipality.

333. Unauthorized Investments. No member of a Municipal Council shall in anyway be a party to the investment of such moneys on behalf of the municipality, otherwise than is authorized by statute, and any member so doing becomes personally liable for any loss to the municipality.

334. Treasurer's Annual Returns. The Treasurer of Municipalities indebted to the Municipal Loan Fund is required to send to the Provincial Treasurer on or before the 15th day of January each year, a return duly certified to, giving the amount of taxable property, a true account of all debts and liabilities of the municipality for all purposes for the then last year. Failure to transmit such report incurs a penalty of \$100, with costs.

335. Government Report of Debts. The Council is required each year, on or before the 31st day of January, under a penalty of \$20 in case of default, to make a report to the Lieutenant-Governor, through the Minister of Agriculture, of the debts of the municipality as they stood on the 31st day of December preceding, showing:

1. The original amount of the debt.
2. The date when it was contracted.
3. The days fixed for its payment.
4. The interest to be paid therefor.
5. The rate provided for the redemption of the debt and interest
6. The proceeds of such rate for the year ending 31st of December.
7. The portion (if any) of the debt paid during that year.
8. The amount of interest (if any) unpaid on 31st day of December.
9. The balance still due of the principal of the debt.

336. Commission of Inquiry into Finances. Upon petition of one-third of the members of Council, or thirty electors, the Lieutenant-Governor in Council may issue a commission to inquire into the financial affairs of the municipality, and such commission shall have the same power as any court in civil cases to summon witnesses and compel the production of documents, etc., in evidence.

The expenses allowed shall be certified to by the Treasurer of Ontario, and be paid by the municipality within three months after demand therefor by the commission at the office of the Treasurer of the Corporation.

DEBENTURES.

337. How to be Executed. All debentures or bonds must (unless otherwise specially provided) be sealed with the seal of the corporation, and signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise they are not valid. The treasurer is required to see the money properly applied to the payment of the interest and principal of the debentures.

Debentures issued in aid of any railway, or for any bonus, are valid without the corporate seal, and are only required to be in such form as directed by the by-law.

338. Debenture Coupons. The coupons attached to the debentures issued by any municipality, except a city, must be signed by the head of the municipality and the treasurer.

339. Validity of Debentures. Debentures issued under a by-law that has received the assent of the electors and that has not been quashed are valid, notwithstanding any deficiency in the form of the by-law.

340. Debentures Issued before February 1st, 1883, under a by-law, and the interest and principal which may have fallen due have been paid for two years, the by-law and debentures shall be valid and binding, and cannot be quashed on any ground whatever.

341. Local Improvement Debentures issued under Section 664 of the Municipal Act, or other Act relating to local improvement purposes, must bear on their face the words "*Local Improvement Debentures*," and also give both the name and date of the by-law.

342. Consolidated By-Law. To obviate the difficulty in negotiating debentures for various small amounts required for particular local improvements, the Council may, after passing the by-laws covering the same, pass a collective or cumulative by-law consolidating the several amounts and issue the required debentures in a general consecutive issue, apportioning the amount raised thereby and crediting each service with the amount previously named.

Councils desiring to avail themselves of this provision must insert in each of the individual by-laws intimating that the amount of the

debentures to be issued thereunder is subject to consolidation, and no specific date need be fixed for their issue.

Consolidated debentures cannot be issued to cover debentures already issued or sold under an original by-law.

343. Mode of Transfer. Councils may place the following provision in debentures:

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the Treasurer of this municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said corporation at the town (or village) of —," or to the like effect.

344. Debenture Registry Book. The Treasurer is required to keep a debenture registry book in which he shall enter a copy of all certificates of ownership of debentures which he may give; and, also, every subsequent transfer. No entry of transfer must be made except upon the written authority of the person last entered in such book as owner, or of his executor, administrator or lawful attorney, and such authority must be retained and filed.

345. Borrowing for Current Expenditure. The Council may by by-law authorize its acting head and the Treasurer to borrow such sums as may be necessary to meet current expenditure until the taxes can be collected. The by-law may fix the amount to be borrowed, and define the notes or other covenants to be given as security.

The sum so borrowed and outstanding must not in a case of a municipality, other than a county, exceed eighty per cent. of the amount collected as taxes for current expenses for the preceding year; and in the case of a county the amount so borrowed and outstanding must not at any time exceed the amount to be raised and paid over to the county by the local municipalities therein for ordinary expenditure for county purposes for the current municipal year. If the Council, in either case, borrow a larger sum than that, the members who voted for it shall be disqualified from holding any municipal office for two years.

346. Borrowing for School Purposes. The Council have similar powers (as given in preceding section) to borrow money required by the trustees of public schools or the trustees of a high school within the municipality. The sums borrowed must not exceed the estimates submitted by such schools as required by the School Acts.

347. \$100 Minimum Value. Unless specially authorized so to do, no Council is permitted to give any bond, note, or other security for a sum less than \$100. Any such paper for a smaller sum is void.

GENERAL JURISDICTION OF COUNCILS.

348. 1. No Council has jurisdiction beyond the municipality it represents, except where authority is expressly given.

2. The powers of the Council shall be exercised by by-law, except where otherwise authorized or provided for.

3. Every Council may make regulations not contrary to law for governing its proceedings, the conduct of its members, calling of special meetings, and generally such regulations as the good of the community requires; and may repeal, alter and amend its by-laws, except where restrained by the Municipal Act.

4. A Municipal Council is deemed a continuing body, always existing, notwithstanding any annual or other election of its members. It continues in office until the new Council has organized and held their first meeting as a Council.

Every Council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or under consideration by the Council of any preceding year, and it is not necessary to introduce such matters anew.

5. No Council of a local municipality shall, after the 31st day of December, in the year for which the members are elected, pass any by-law or resolution for the payment of money, or enter into any contracts, appoint to or dismiss from office any officer, or perform any other corporate act after said day, except in cases of extreme urgency.

349. Trader's License. In all cases where the Council or, in cities, the Board of Commissioners of Police, having authority under statute to pass by-laws for licensing any trade, calling, business or profession, they also have the power to pass by-laws fixing the sum to be paid for such license, enforcing payment of the license fee, and determining the time the license shall be in force.

350. Granting Monopolies Prohibited. Unless authorized so to do, as in the case of telephone and ferry companies, no Council shall give any person an exclusive right of exercising within the municipality any trade or calling, or impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same.

But the Council may require a fee, not exceeding \$1, to be paid for a certificate of compliance with any regulations in regard to such trade or calling.

351. Ferry Privileges. The Council may grant exclusive privileges to a ferry, which may be vested in the corporation, except for a ferry between two provinces, or the province and a foreign country.

352. Exclusive Rights to Telephone Companies. The Council may grant exclusive rights to a telephone company, or persons to use streets and lanes for a period not exceeding five years, for the purpose of placing therein, upon, or under the same, poles, ducts and wires needed in the conduct of their business. They may also agree not to give any other company or persons for such period similar rights, but such by-law must have the assent of two-thirds of the members being present and voting therefor.

353. Proviso. Such agreement would not prevent the Council from giving similar privileges to other companies, or persons for private lines for their own business purposes.

Neither will such agreement prejudicially effect the rights of a telephone company, with respect to the use of such streets, which existed on the 27th day of May, 1893; and all by-laws passed giving such exclusive privileges for a period not exceeding ten years, are valid and binding.

ADMINISTRATION OF JUSTICE.

354. Ex-Officio Justices. The head of every Council, all members of a county council, and the reeve of every town, township and village shall, after taking the oath of office, be *ex-officio* justices of the peace for the whole county; and aldermen in cities shall be justices of the peace for such cities.

355. Judicial Jurisdiction of Mayors. The Mayor of a city or town where there is no police magistrate may, in addition to his other powers, try all prosecutions for offences against the by-laws of the municipality, and penalties for refusing to accept office or to make the declarations of office and qualifications.

356. Jurisdiction of Justices of the Peace for a county extends to all cases arising under any by-law of any municipality in the county for which there is no police magistrate.

A Justice is not disqualified to act in a case of a prosecution for an offence against a by-law, because of his being a member of that Council. Even where, in case of a conviction, the fine would go to the municipality of which he was a ratepayer, he is not disqualified from trying the case.

357. Fines and Penalties awarded by a Justice of the Peace, and in default of payment the offender may be committed to gaol for a period not exceeding thirty days, with or without hard labor. In case of an offence against the by-law commitment could not be longer than the time fixed in the by-law.

358. Witnesses. A person making the complaint is a competent witness. The defendant is also a competent witness, so is the wife or husband of defendant, and may be compelled to give evidence.

359. Executions against Municipalities Any writ of execution against a municipality may be endorsed, with a direction to the sheriff to levy the amount thereof by rate, as follows:

1. The Sheriff shall deliver a copy of the writ to the treasurer with a statement of claim, costs and sheriff's fee.

2. In case the amount, with interest from the day mentioned in the statement, is not paid within one month after the service, the sheriff shall from the Assessment Roll strike a rate in the dollar sufficient to cover the claim, fees and the collector's percentage.

3. The Sheriff shall issue a precept, under his hand and seal, to each collector of the corporation, with the roll of such rate, and command them to levy such rate at the time and in the manner required for the general annual rates.

4. When levying the annual rates next after receipt of such precept, if the collectors have a general rate roll given them, they shall add a column headed, "Execution rate in A. B. *vs.* The Township" (or as the case may be), and levy the amount required, and return the same to the sheriff, less their percentage, within the time required for making the return of the general rate.

If there is any surplus left after satisfying the execution and fees, the Sheriff shall, within ten days, return the same to the Treasurer of the Municipality.

The clerk, assessors and collectors of the corporation are, in such case, deemed to be officers of the court, and are compelled to perform the duties imposed upon them in respect thereto.

360. Police Office. The Council of every city and town shall establish therein a police office, and provide all necessary and proper accommodation, fuel, light, furniture and stationery for the office and officers connected therewith.

The Police Magistrate, or in his absence, or where there is no police magistrate, the Mayor shall attend daily at such office, or at such times as may be necessary for the discharge of the business brought before him as a Justice of the Peace. Any justice having jurisdiction may, at the request of the Mayor, act in his stead.

361. Clerk of Police Office shall be the Clerk of the Council, or such other person as the Council appoints, and such clerk shall perform the same duties and receive the same emoluments as clerks of Justice of the Peace. If he is paid by salary, the fees are to be paid over to the municipality.

362. Board of Commissioners of Police. In cities the Board of Commissioners of Police is composed of the mayor, the judge of the county court and the police magistrate.

In towns having a police magistrate the Council may constitute a like Board. If the office of county judge or police magistrate is vacant the Council of a *city shall*, and the Council of a *town may*, appoint one or two persons, as the case may require, who are resident therein, to supply such vacancy during its continuance.

The Council of a *town* may dissolve such Board, and thereafter exercise all the powers and duties previously performed by the Board.

The Council of a city of one hundred thousand may pay any or all of the police commissioners.

363. Powers of Commissioners. The commissioners have power to summon and examine witnesses on oath, to force their attendance and compel them to give evidence. A notice to attend before the Board is sufficient, if it is signed by the chairman or any member of the Board.

A witness cannot be compelled to answer any question that would render him liable to a criminal prosecution.

364. Chairman and Quorum. The commissioners shall annually, at their first meeting after the Mayor has taken his oath of office, elect a chairman.

A majority of the Board shall constitute a quorum for transaction of business.

365. Powers of Board. The Board of Police Commissioners in cities may license and regulate second hand and junk shops and livery stables, omnibuses and other vehicles regularly used for hire, and fix the rates of fare both for goods and passengers, within and to points three miles beyond the city limits.

They may also define the areas in the city, within which no livery or sales stables, or stables where horses are kept for express or other purposes for hire shall be kept.

They may also regulate the hours of labor for persons employed in such businesses, and provide for licensing drivers of cabs within the city.

They may also regulate and control children engaged as (a) express or despatch messengers, (b) vendors of newspapers and small wares, (c) bootblacks.

366. Band Music. Boards of Police in cities, and the Council of towns may regulate or prohibit the playing of bands, or other musical instruments on public streets, parks, etc., except military bands on duty.

367. By-Laws of Board are sufficiently authenticated if signed by the Chairman of the Board, and a copy of such by-law certified by any member of the Board shall be deemed authentic and received as evidence in court.

Penalties attached to the by-laws for infraction may be recovered before the Police Magistrate.

368. High Bailiff. The Council of every city shall appoint a high bailiff, but that office and chief constable may be held by the same person.

369. The Police Force in cities and towns having a Board of Commissioners shall consist of the chief constable and as many constables and other officers as the Council deem necessary; but in cities it must not be less than the Board reports to be absolutely required, except in such cities as the Act of Incorporation provides for the control of the police by the Council. Police officers hold office at the pleasure of the Board.

370. Duties of Constables. The constables are required to obey all lawful directions of the Board, endeavor to preserve the peace, prevent robberies and other crimes and offenses, apprehend offenders, and exercise all the powers of constables duly appointed.

371. Salaries and Expenses. The Council shall pay to the members of the force such remuneration as may be required by the Board; also to provide and maintain such offices watch-boxes, etc., arms, clothing, etc., as the Board from time to time deem necessary. This does not apply to cities where the police are controlled by the Council.

372. Indemnifying Police Officers. The Council may in its discretion indemnify members of the force where suits have been brought against them and costs or damages recovered, if the Board of Commissioners of Police certify that it is a proper case.

373. Town and Village Constables. The Council of every town not having a Board of Commissioners of Police *shall*, and the Council of every village *may*, appoint one chief constable and one or more constables for the municipality, who shall hold office during the pleasure of the Council.

374. County and Township Constables. The Council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the Council. All such constables, and also those appointed by councils of cities, towns and villages, have the same powers and privileges, are subject to the same liability and to the performance of the same duties, as are those appointed by the Court of General Sessions, and are also subject to suspension by the Judge of the County Court.

Municipalities appointing salaried constables may agree that they shall retain for their own use the fees of their office, or require that said fees be paid over to the treasurers of the municipalities.

375. Arrests by Constables. In case complaint is made to the Chief of Police or to a constable that a breach of the peace has been committed, and the officer has good reason to believe that such breach of the peace has been committed, though not in his presence, and that the person so charged should be arrested to prevent his escape, or to prevent immediate violence being done to person or property, the constable may, without a warrant, arrest the person so charged and convey him before the Police Magistrate, Mayor or Magistrate to be dealt with according to law; providing the person complaining give satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate, Mayor or Justice of the Peace.

376. Suspension of Constables. Where there is no Board of Police in a town, the Mayor or Police Magistrate may suspend from office, for any period in his discretion, the chief or other constable, and may appoint some other person to fill the vacancy. He shall, immediately after the suspension, report the case to the Council, and the Council then may either dismiss such suspended constable or restore him to his office, after the period of his suspension has expired.

During such suspension the officer must not act in his office except by the written permission of the Mayor or Police Magistrate who suspended him; neither is he entitled to any salary during his suspension.

ARBITRATIONS.

377. Compensation for Lands Taken or Injured by corporations where the claim cannot be mutually agreed upon, must be determined by arbitration, immediately after the claim for damages has been legally filed.

378. Time Limit. The claim for compensation must be made within one year from the date when the alleged damages were sustained or became known to the claimant; if the damage is a continuous one, then one year

from the time when the cause of action arose or became known to the claimant. This limitation does not apply to real property taken or used by a municipality.

379. Lands for Public Works. When the Council of a city or town is desirous of entering upon any public work in which private land will be taken or injuriously affected, the Council may file plans or copies of plans of such undertaking with the Clerk of the Municipality, who shall, on receiving the same, issue a notice setting forth the Council's intention, and that such plans and specifications may be inspected at his office, and that all claims for damage by reason of such undertaking must be filed with him within sixty days from the service of such notice. He must cause such notice to be served upon the owners, occupiers or other persons interested in the real estate affected by the said undertaking, and all claims for damages which are not filed within sixty days from the service of such notice will be barred.

If a person so served is at the time of service a resident outside of Ontario he has thirty days additional within which to file his claim, unless upon application to the Judge of the County Court, and upon giving the said Council at least seven days' notice of such application, such Judge may allow the claim to be made.

Either party may appeal from the decision of the Judge to the Divisional Court of the High Court of Justice.

The lapse of one year, however, from the service of such notice, the claim is absolutely barred and extinguished.

380. Particulars of Claim. The person making a claim must deliver full particulars of the damages for which such claim is made. The arbitrators have the same power to amend such claim or particulars or any proceedings taken upon the hearing thereof that a judge would have in an action. They may also, upon their discretion refuse to hear, on any question, further evidence of a cumulative character.

Insufficient particulars would not bar a claim for damages.

381. Proxy for Unknown Claimant. In case there is no one to act in respect to such real property that can be found, then the Judge of the County Court may, upon application of the Council, appoint a person to act for such purpose.

382. Application of Purchase Money in such case as mentioned in previous section will be as follows: Interest at 6 per cent. to be paid to the person so acting for the estate, and the principal retained until the rightful person entitled to it shall execute a valid acquittance therefor: unless the High Court or a Judge of the High Court orders the Council to pay the same to a person or into court. The Council are not bound to see to the application of either such interest or sums paid under the direction of the court.

383. Encumbrances Upon Expropriated Lands. Any person having any claim upon such lands taken by the municipality will have a like claim against the money compensations as he had against the land.

Where the High Court, or a Judge thereof, has reason to fear any claims or encumbrances, or the person to whom the compensation is payable refuses or cannot be found to execute the proper conveyance, the corporation may pay such compensation into the office of the Accountant of the Supreme Court of Judicature for Ontario with interest at 6 per cent. per annum for six months, and deliver to such accountant a copy of the agreement, conveyance or award, which shall be deemed a sufficient title to the corporation of the land in question. (See R. S. O., 1897, Chap. 223, Section 446).

384. Tender of Compensation. If the Council, when claims for compensation or damages are made against them, tender the amount they deem to be proper and the claimant refuse to accept, and as a result of the arbitration an award not greater than the amount so tendered, the costs for the arbitration shall, unless otherwise ordered by the arbitrator, be against the claimant.

385. Claims Under \$1,000. In cities or towns where the Council and the claimant cannot agree and the amount claimed does not exceed \$1,000, shall be determined by the Judge of County Court sitting as sole arbitrator; or, at the option of either party, such other party as sole arbitrator as the Judge on application of either party may appoint. In such case the other party must have seven days' notice of such application.

386. Seven Days' Notice. Either party is entitled to seven clear days' notice (exclusive of the day of service of the notice) of the wish of the other party to have an arbitration.

387. Appointment of Arbitrators must be in writing, signed by the appointers.

In case of a corporation the appointment must be under seal and authenticated in similar manner to a by-law.

Arbitrators on behalf of a municipal corporation shall be appointed by the Council, or by the head of the Council, if so authorized by a by-law.

388. Either Party May Appoint any arbitrator and give notice, in writing, to the other party, calling upon him to appoint another. In case of a corporation it must be given to the head thereof.

The two thus appointed shall, within seven days after the appointment of the last one, appoint, in writing, a third arbitrator.

389. Neglecting to Appoint In case of municipalities, if for twenty-one days after receiving such notice to appoint the party, neglects to appoint an arbitrator; or if for seven days after the second arbitrator has been appointed the two neglect to appoint a third; then, in case it is between townships, or a township and a town or village, the County Judge may appoint an arbitrator for the party in default. If between other municipalities, then the Lieutenant-Governor in Council will make the appointment.

390. More than two Municipalities being interested, each one will appoint an arbitrator, and if there is an equality the arbitrators thus

appointed shall choose a third, and in default of their doing so, at the expiration of twenty-one days, the Lieutenant-Governor in Council, on application of any one of the municipalities, may appoint the other arbitrator.

391. Several Persons Being Interested in a case where real property has been taken by a municipality, although not all interested in the same piece of property, the Council may, by by-law, provide that all such claims shall be disposed of at one award.

392. Council may Initiate Proceedings. In case the other party interested in the property has not served notice of arbitration upon the municipality, the Council may serve upon such person a certified copy of the by-law together with a notice in writing of the appointment of an arbitrator on behalf of the municipality. (R. S. O., 1897, Chap. 223, Sections 451-453).

In case of one individual, he must within seven days appoint his arbitrator; but in case several are interested, as in Section 391, they have twenty-one days allowed for such appointment; and in case of drainage twenty days.

393. County Judge may Appoint an arbitrator upon application of either party if one fails to appoint within the time provided, or an arbitrator fails or refuses to act. Such arbitrator must be a resident of the municipality in which the property is situated.

394. Time for Making Award. The arbitrators shall make their award within one month after the appointment of the third arbitrator.

395. Persons Disqualified from acting as arbitrators in municipal arbitrations are members or officers of, or persons employed by, the corporation. Merely being a ratepayer in the municipality does not disqualify, unless the arbitration relates to drainage under the provisions of the Municipal Act.

396. Arbitrator's Oath. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and prescribe to the following oath (or affirmation) before a Justice of the Peace: "I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God."

397. Time to Meet. The arbitrators are required to meet within twenty days after the appointment of the *third* arbitrator, at such place as they may agree upon, to hear and determine the matter in dispute. They may adjourn from time to time. Their award must be in writing, and shall be binding on all parties, one copy of which must be filed with the Clerk of each municipality interested.

398. Awarding Costs. The arbitrators may award payment of costs against either of the parties or a portion of them; they may direct the payment of a fixed sum, or that the costs be taxed, on the scale of either court having jurisdiction. If the fees paid in do not exceed \$100, it will be on the scale of the Division Court, but if they exceed \$100, then on the scale of the County Court.

In case the costs are taxed, an appeal to the Judge of the High Court is allowed.

399. Certificate of Time Occupied The arbitrators must file a verified certificate with the Clerk of the Municipality, showing the number of hours occupied by each arbitrator at each sitting, the date of each sitting and the fees charged by said arbitrators at such sitting.

400. Arbitrators' Fees. The fees chargeable by non-professional arbitrators are as follows:

For every meeting where the case is not proceeded with, but postponed at the request of any party, not less than \$2, nor more than \$4.

For every day's sitting, to consist of not less than six hours, not less than \$5, nor more than \$10.

For every sitting not extending to six hours where the arbitration is actually proceeded with, for each hour occupied in the proceedings, not less than \$1, nor more than \$1.50.

Fees chargeable by professional arbitrators are just double the above amounts in each case.

401. Payment of Arbitrators' Fees. Either party may pay the Arbitrators' fees into the office of the County Court Clerk, with \$10 as security for costs and the fee charged by the Clerk for his service (50c. when the sum paid in does not exceed \$50, and \$1 when it exceeds \$50). Whereupon the Arbitrators are required forthwith to deliver their award to such party.

402. Taxation of Arbitrators' Fees. The party paying in the fees, as in previous section, may have the Clerk tax the arbitrators' fees, who, upon giving said arbitrators two days' notice of such appointment by service of a copy thereof upon them, may tax each arbitrator's fees separately, and the costs of the taxation shall be in his discretion.

If the arbitrators' fees are found to be legal, the Clerk shall forthwith pay the same from the fees paid in to him.

Either party may, within two days after the completion of such taxation, upon giving the other party four days' notice, have the Clerk's taxation revised by the taxing officers of the High Court at Toronto.

403. By-Law to Bind Award. When the award relates to property taken, used, or injuriously affected, and the by-law did not authorize any entry or use to be made of the property, except a survey, before an award had been made; or, if the by-law did give such authority, but it had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by a by-law within three months after the making of the award; and, if *not adopted*, the original by-law is thereby *repealed*, the property stands unaffected, and the corporation required to pay the costs of the arbitration.

404. High Court Reviewing Awards. Every award is subject to the jurisdiction of the High Court, to be reviewed on its merits at the instance of the person whose property is affected. They may also call for new evidence, set aside the award, refer any part of the matter back to

the same arbitrators for consideration, or to other persons whom the court may appoint, and may modify, increase, or diminish the award.

405. Appeals and Motions Against Awards. Awards that require adoption by the Council, before they become binding on the corporation may be moved against within *one month* after their adoption.

Awards that do not require such adoption, but are subject to appeal, the appeal is to the High Court, and from the High Court to the Court of Appeal.

Motions to set aside such award must be made within six weeks after the publication thereof, except under special circumstances, when the Court may allow the application after said time.

406. Actions Against Municipal Corporations. Actions brought against municipalities for acts done under illegal by-laws, orders, or resolutions, must not be brought until one month after such by-law has been quashed or repealed.

407. Notice of Action. One month's notice in writing must be given the corporation of the intention to bring such action. The action must be against the corporation, and not against the individual acting under the by-law.

408. Tender of Awards. If, in the preceding action, the corporation tenders awards to the plaintiff, or his solicitor, and such tender is pleaded and proved, and if no more than the amount tendered is recovered, then the plaintiff shall have no costs allowed.

And in case a claim is made, or action is brought for damages for alleged negligence on the part of municipalities, the Council may tender or pay into Court (as the case may be) the amount they consider proper compensation, and if this is refused, and action proceeded with, and no greater amount is recovered, the costs of the suit will be against the plaintiff.

409. Arbitrating Division Court Cases. The Judge may, by consent of both parties to an action, order the same to be referred to the arbitration of such person, or persons, and on such terms as seems to him just; or, the parties themselves may, by writing, agree to refer the matter in dispute to the arbitrament of a person named in the agreement, which shall be filed with the Clerk. Neither party can revoke the agreement to arbitrate, without the consent of the Judge.

On application within fourteen days after the entry of the award, the Judge may, if he thinks fit, set aside the award; or may, with the consent of both parties, order another reference.

410. Boundary Line Disputes Where all the parties to the dispute consent, application may be made to the Judge of the County Court to name a special referee, who will hear the evidence deduced by the parties, and define, by such posts and monuments as he deems sufficient, the true boundary line, and his report shall have the effect of a binding award, which may be registered by either party thereto in the proper registry office against the lands affected thereby.

In case the parties cannot agree upon the Ontario Land Surveyor to be named as the special referee, he shall be appointed by the Judge before whom the application is made.

411. Gas and Water Companies wishing to carry their pipes through lands of any person, within ten miles of the municipality, for supplying which the company is incorporated, and the consent of such party cannot be obtained, the company may appoint one indifferent person, and the owner of the land another, and the two shall choose a third, and the three shall be the arbitrators.

The sum awarded shall be paid within three months after the date of the award, and in default of payment the owner or owners may resume possession of his or their property, with all the rights pertaining thereto.

In event of either one of the parties failing to appoint an arbitrator after eight days' notice by the other, or in case the two arbitrators neglect to appoint a third, the Judge of the County Court may appoint a third arbitrator.

412. Cheese and Butter Companies. Every dispute between members of the association, or persons claiming through them, and the directors, treasurer or other officer, shall be settled by arbitration in manner directed by the rules of the association, and the award made shall be binding on all parties, and not subject to appeal.

413. Co-Operative Associations. Disputes between members and officers to be settled by arbitration, same as in preceding section, and no appeal allowed.

414. Lands Taken by Railway. The company is required to serve a notice upon the party whose land is to be taken for railway purposes, which contains:

1. A description of the land to be taken.
2. A declaration of their readiness to pay a certain sum as compensation or damages.
3. The name of the person appointed as arbitrator of the company, if their offer is not accepted.

The notice must be accompanied by a certificate of a sworn land surveyor for Ontario, who must not be interested nor be the arbitrator, that the land is required for the railway, and that the sum offered is, in his opinion, a fair compensation for the same.

If, within ten days after the service of such notice, the opposite party does not notify the company of his acceptance of the sum offered, or name a person whom he appoints as arbitrator, the Judge may upon application by the company, appoint a sworn surveyor for Ontario as sole arbitrator.

But if the opposite party, within the specified time, furnishes the company the name of his arbitrator, then the two arbitrators shall appoint a third, and if they cannot agree on a third arbitrator, the Judge may, on application of either party (one clear day's notice to the other party being given), appoint the third arbitrator.

If the sum awarded is greater than the company offered, the costs will be borne by the company, but if not greater, then by the opposite party.

The award shall not be invalidated by reason of any want of form, or other technical objection, if the award states clearly the sum to be paid and the lands or other property for which such sum is to be compensation.

Any party to the arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of the High Court.

Upon payment or legal tender of the compensation awarded, the company may take possession of the land, and if resisted the sheriff or a bailiff may place the same in possession. A warrant of possession may also be obtained from the Judge to take possession before the award is given, if the company shows satisfactory reason that immediate possession is necessary, and by giving security to his satisfaction and in a sum not less than double the amount mentioned in the notice, to pay the award or deposit the same within one month after the award is made.

COURT-HOUSES AND GAOLS.

The County Council may pass by-laws for erecting, improving and maintaining a court-house, gaol, house of correction and house of industry, and provide for the food, fuel and other supplies required for the same.

If the court-house is to be erected within the limits of a city the by-law may provide for acquiring such land as may be necessary.

415. County Gaols in City. The gaol, court-house and house of correction of the county, located in a city or town which is not separated for all purposes from the county, shall also serve for the purposes of the city or town until the Council of the city or town otherwise directs. The sheriff, gaoler and keeper of the house of correction shall receive, and safely keep, until duly discharged, all persons committed thereto by the competent authorities of the county, city or town.

416. City Gaols and Court Houses. The Council of a city may pass by-laws for the erection, improvement, regulation and maintenance of a court-house, gaol, house of correction and house of industry within the municipality.

417. Custody of Gaols. The Sheriff has the care of the county gaol, offices and gaolers' apartments, and the appointment of the keepers, but their salaries are fixed by the County Council. The Inspector of Prisons and Public Charities possesses power of revision.

418. Gaolers. The appointment and dismissal of gaolers are subject to the approval of the Lieutenant-Governor.

The gaoler shall have a yearly salary, and must not demand or receive any fee, perquisite, or other payment, from any prisoner confined within the gaol.

In case a vacancy occurs in the office of gaoler, the Sheriff may appoint another *pro tem.* or himself *ex officio.*

Also, where a vacancy occurs in the office of gaoler and the average number of persons for the last preceding three years ending December 31st did not exceed six per day for any one year, the County Council need not appoint another gaoler but arrange with the Sheriff to be *ex-officio* gaoler.

419. Care of Court-Houses. [The County Council have the care of the court-house and all the offices, rooms and grounds connected therewith, even though forming a separate building. They also have the appointment of the keepers; must provide for lighting, heating, cleaning and also necessary accommodation; fuel, light, stationery, and furniture for the courts of justice (except the division courts) and for the library for the Law Association of the County; and also provide proper offices, together with fuel, light, stationery and furniture for the officers of such courts, except the officers of the Maritime Court of Ontario and official assignees.

The Council may permit the use of the court-room for the Division Court, and receive as compensation the sum of \$5 for every day in which the court is held in the building.

420. Costs and Expenses of Court-Houses. Cities and separated towns shall as parts of their respective counties, for judicial purposes, bear their just proportion of all charges incurred in erecting and maintaining the court-houses and gaols, for all the proper requirements of such buildings and charges relating to criminal justice (except constables fees and charges connected with coroner's inquests and such other charges as the counties are entitled to be repaid by the Province).

421. Arbitrating Amount of Compensation. In case the Council of the city or separated town and the County Council cannot agree as to the respective amount the city or town should contribute for the use of the court-house, gaol or house of correction, care and maintenance of prisoners, etc., the same shall be determined by arbitration.

The arbitrators must take into account the original cost of the site, erection of buildings, repairs and insurance, as well as the cost of maintaining prisoners, and salaries of officials.

After five years from the time the compensation was agreed upon or awarded, either party by application to the Lieutenant-Governor in Council may have the amount of compensation reconsidered and settled anew, either by agreement or arbitration.

422. Disunion of Counties. In case of a separation of united counties the rules, regulations and statutes concerning court-houses or gaols in force at the time of separation shall extend to the junior county court-house and gaol.

423. City and County Court-House. In cases when a city is required to contribute toward the cost of erecting a court-house commenced on or since March 5th, 1880, the city shall not be bound to pay for any subsequent expenditure in respect thereto, unless the same has been previously agreed to or decided by arbitration. The Council of the city shall have a voice in the selection of the site for the court-house and gaol, and in case of failure to agree as to the site the matter must be settled by arbitration.

424. Amalgamation of Gaols. If the number of prisoners confined in any gaol during two years ending December 31st immediately preceding does not exceed on an average of four per day for either of such years and the Inspector of Prisons deems it advisable to keep the prisoners of such county in the gaol of an adjoining county, the Councils of the respective counties may agree to such an arrangement and, by proclamation of the Lieutenant-Governor, the gaol of such adjoining county shall become the common gaol of the first-mentioned county.

Such an arrangement cannot be affected unless there is direct railway communication between the two county towns. Also, there must be a sufficient lock-up in or near said county town of the first-mentioned county for the safe custody of prisoners brought there.

Such agreement may continue for five years and thereafter, until varied or terminated by agreement, or arbitration, or proclamation of the Lieutenant-Governor.

425. Joint Ownership of Court-House. The statutes provide that the Council of any county, and the Council of any city or town in the county, but separated for municipal purposes, to enter into an agreement:

¹⁹ ² §1. For the purchase of land within the county town for the erection of suitable buildings for the use of the county and city or town for municipal and judicial purposes.

2. For the erection, maintenance, use, management and control of such buildings.

3. For ascertaining and fixing the amount each municipality is to contribute for such purposes

4. For the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof, and to pass all such by-laws as may be necessary for purchasing such lands, and the carrying out of any such agreement.

426. Separate Insurance. The Council of each municipality interested in such court-house and gaol may, in proportion to the amount they are liable to contribute towards such buildings, insure their interests therein.

427. Separation of City or Town from County. Where a city or town has withdrawn from the county for municipal purposes, and the county has paid to such city or town compensation according to agreement or award, for the amount contributed by said town or city prior to its separation, towards such court house, gaol, house of correction or registry office, and the city or town has not erected separate buildings, it shall pay a sum equal to five per cent. per annum of the amount the county paid to such city or town. This shall be in addition to the amount originally agreed upon for such city or town to pay towards the maintenance of such buildings.

428. Enlargement of Buildings after Separation. Where a city or a separated town has, before July 1st, 1897, been paid by the county after the separation, for its interest in such court-house and gaol, house of correction or registry office, and where the city or town has not erected

separate buildings, the award may determine what sums (if any) shall be annually paid by the town to the county as its share in respect to the enlargements made after their separation.

No award shall be made to purchase by the county from the city or town, not separated for judicial purposes, the interests of such city or town in such buildings.

LOCK-UP HOUSES.

429. The Council of every city, town, township and village may, by by-law, establish lock-up houses and provide for their maintenance and regulation for prisoners sentenced for not more than ten days; for persons detained for examination on a criminal charge for a period not exceeding two days; for persons found in a public street in a state of intoxication, or for desecrating the Sabbath, for a period not exceeding twenty-four hours; and for persons detained for transmission to a common gaol for trial or after sentence.

Two or more municipalities may unite and establish a joint lock-up house.

430. County Lock-Up. The County Council may establish and maintain one or more lock-up houses within the county, and provide for the salary of the constable in charge out of the county funds.

The person in charge must be a constable specially appointed for that purpose by the magistrates of the county at a General Session of the Peace.

INDUSTRIAL FARMS.

431. The Council of any county, city or town, separated from a county, may acquire land for an industrial farm, house of industry and house of refuge, and may, by by-law, provide for the erection of suitable buildings, and maintenance, the appointment, payment and duties of the inspectors, officials and servants, and make rules and regulations consistent with law for the regulation of the same.

Two or more contiguous municipalities may agree to have but one such house of industry for them.

432. Compelling Inmates to Work. The Council may by by-law provide for requiring persons sent to such industrial institutions to work on said farm, or at any work the person appears to be fit for, and apply the earnings, or part of them, for their maintenance, or for that of their wife and children, or to aid them in reaching their friends, as may be deemed advisable.

433. \$1.50 Per Week. The County Council may require each municipality sending any person to such house of refuge to pay for each a sum not exceeding \$1.50 per week, for maintenance and support.

434. Indigent Inmates. The County Council may pass by-laws for committing indigent persons for a period not exceeding twelve months.

435. Inspectors' Annual Reports. The Inspector of such houses of industry is required to keep and render annually, or as often as required by the Council, full accounts of all receipts and expenditures, the names of all persons received into the house and those discharged, and also their earnings, a copy of which report must be presented to the Legislature.

436. Commitments to House of Industry. Any two magistrates, or the inspectors of such houses of industry may, by writing, under their hands and seals, commit the following classes of persons to the houses of industry or of refuge:

1. Poor and indigent persons, incapable of supporting themselves.
2. Persons without means of support, but are able to work and refuse to do so.
3. Persons leading a lewd, dissolute and vagrant life, and exercising no ordinary calling sufficient to gain an honest living.
4. Persons who spend their time and property in public-houses to the neglect of any lawful calling.
5. Idiots.

437. Punishment of Inmates. Inmates who are fit and able are to be regularly employed during their confinement, and in case any such persons are idle or refractory they may be punished according to the regulations of said house of industry or refuge.

438. Houses of Correction. The Council of every city and town may pass by-laws for establishing within the city or town, or the industrial farm, or on grounds held by the municipality for public exhibition, a workhouse, or house of correction, and provide for their government and commitments thereto as in following section:

439. Who to be Committed. The mayor, police magistrate or any justice of the peace having jurisdiction within the municipality may commit, either with or without hard labor, disorderly persons, drunkards, vagrants, indigents and such persons as are named in Section 436, as the Council may deem and, by by-law, declare to be expedient. Such farm and aforesaid houses shall be deemed to be within and under the jurisdiction of the municipality.

Until such house of correction is established in a county the common gaol is constituted such house.

440. Inebriate Asylums. The Council of every city having a population of 50,000 or over may pass by-laws for establishing within the city an institution for the reclamation and cure of habitual drunkards.

For providing that the mayor, police magistrate or a justice of the peace may send habitual drunkards and such other persons as enumerated in Section 436, and as by the Council may be deemed expedient.

In case such institution is established in any city, Sections 97 to 108 of Chap. 318, R. S. O., 1897, shall apply thereto.

POWERS OF MUNICIPAL COUNCILS.

441. Municipal Officers. The councils of counties, townships, cities, towns and villages may pass by-laws for the appointment of all officers necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or any by-law of the corporation, and also for the removal of such officers.

It is lawful for a member of the corporation to act as commissioner, superintendent or overseer over any road or work undertaken, in whole or in part, at the expense of the municipality; and it shall also be lawful for the municipality to pay such member acting in said capacity.

The Council shall also regulate the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties.

442. Board of Audit. Every County Council at its first meeting in each year shall appoint two persons, one only of whom may belong to the Council, to be a Board of Audit for the county accounts.

Such Board of Auditors may be paid a sum not exceeding \$4 each per day, for their attendance at such audit, and five cents per mile necessarily travelled in going to and from such audit.

443. Remuneration of Councillors. Councils of counties and townships may pass by-laws for the payment of members of Council for attendance at Council, or attendance on Committee of the Council, at a rate not exceeding \$3 per day and five cents per mile necessarily travelled to and from such attendance.

444. Remuneration of Aldermen. The councils of cities having a population of 100,000 or over may fix an annual remuneration, not exceeding \$300, may be paid aldermen; and that an additional annual remuneration not exceeding \$100, may be paid the chairman of the Standing Committees, and of the Court of Revision and the Local Board of Health. It shall also be provided in regard to such aldermen or chairmen there shall be deductions from such remuneration for absence from meetings of Council, committees, Court of Revision, or Board of Health.

445. Gaol Surgeons. The councils of counties, cities, and separated towns may, in addition to other officers, appoint one or more inspectors of the house of industry, one or more surgeons of the gaol and other institutions under municipal charge, and provide for the removal of such officers.

446. Overseers of Highways. Township councils may appoint overseers of highways or pathmasters, to make or keep open township roads during the season of sleighing. Such officers have full power to call out persons liable to perform statute labor within their respective municipalities to assist in keeping open such roads, and may give to such persons certificates of having performed statute labor to the number of days' work done, which shall be credited on their next season's statute labor.

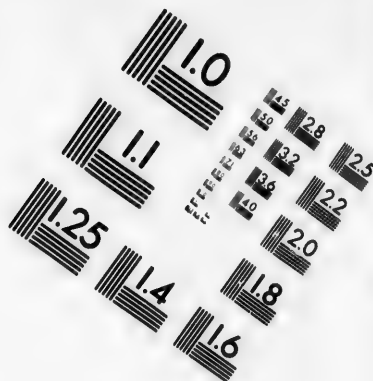
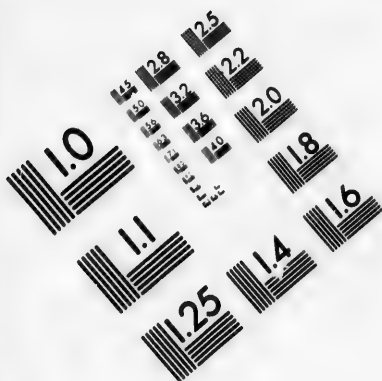
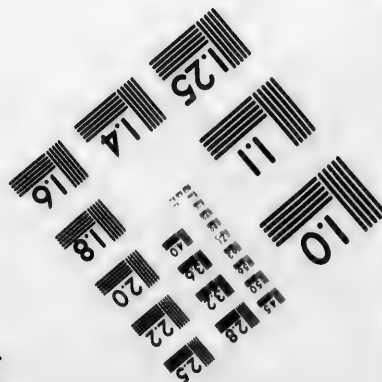
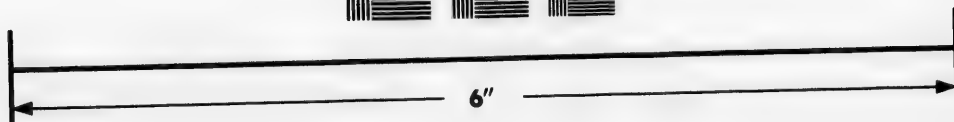
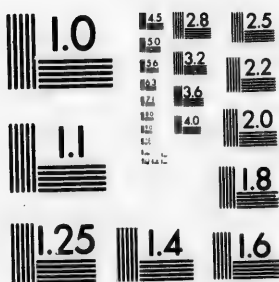


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447. Inspector of Highways. The councils of cities, townships, towns and villages, may appoint an inspector of highways, defining his duties and fixing his salary, with power to enforce the provisions of their by-laws for preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction of the same.

448. Corporation Surveyors may be appointed by the councils of cities and towns.

449. Fire Companies. Councils of cities, towns and villages may pass by-laws for appointing fire wardens, fire engineers and firemen, and for promoting and regulating fire companies, hook-and-ladder companies, etc.

450. Landmarks and Boundaries. The Council of any township, city, town or village may, upon application of one-half the resident land-owners affected, or upon its own motion, make application to the Lieutenant-Governor, according to Sections 14, 15 and 16 of the Surveyors' Act, for a survey and placing of durable monuments at the front and rear of any concession line, or at the front or rear angles of the lots therein, to mark the boundaries thereof.

451. Naming of Streets. The Council may provide for the surveying and marking the boundary lines of streets and roads, and giving names thereto, and affixing them to the corners on either public or private property.

452. Changing Name of Streets. The by-law to change the name of any street, square, road, or lane has no effect unless passed by at least three-fourths of the whole Council, and until the by-law has been registered in the registry office of that division. Fee for registering is \$1.

The by-law must also, before being finally passed, be approved by the County Judge. On the day fixed by the Judge for considering the matter, any person interested may be heard before the Judge.

A copy of the by-law and of the Judge's appointment shall be served on the Registrar or his deputy, at least two weeks before the time named, and published once in the *Ontario Gazette*, at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper as the Judge directs.

If the Judge approves, his certificate must be filed with the by-law in the proper registry office, and the change takes effect from the date of filing the Judge's certificate.

453. Numbering Houses. The Council may provide for the numbering the houses and lots, and affixing the numbers to the buildings or other erections along the streets, and charging the owners, or occupants, with the expense incidental thereto.

454. Records of Streets. The Council is required to make and keep a record of streets and numbers, and also for entering the division of streets, with boundaries and distances, for public inspection.

455. Local Census. The councils of counties, townships, cities, towns and villages may take the census of the inhabitants, or of the resident male freeholders and tenants in the municipality.

456. Lands Outside the Municipality. The councils of townships, cities, towns and villages may pass by-laws for acquiring lands outside the municipality, but such lands remain part of the municipality where situate.

457. Town Halls. Councils of townships may pass by-laws for acquiring lands in any town or village, within or partly within the original boundaries of the township, for the erection of a town hall.

458. Protecting Life and Property. By-Laws may be passed by the Councils of townships, towns, villages and cities, having less than 100,000 inhabitants, and by Boards of Commissioners of Police in cities having 100,000 inhabitants or more, for restraining and regulating the running at large of dogs, for seizing, impounding, or killing of dogs running at large contrary to by-laws, for selling such impounded dogs, and also for imposing a tax on the owners, or possessors, or harborers of dogs.

459. Cruelty to Animals. Councils of townships, cities, towns and villages may pass by-laws preventing cruelty to animals and the destruction of birds. Such by-laws must not be inconsistent with the statutes in that behalf.

460. Tobogganing on Streets. Councils of cities, towns and villages may prohibit or regulate tobogganing or coasting on the public streets, and children from riding on the platform of cars, behind wagons, and other vehicles.

461. Bicycles. Cities having 100,000 inhabitants or more may pass by-laws governing (not licensing) persons using bicycles and other vehicles not drawn by horses.

462. Construction of Scaffolds. Councils may provide for inspecting and regulating the erection of scaffolds and hoists used in repairing and erecting buildings, etc.; and for making necessary regulations for the safety of workmen employed therein, and also for inspectors of scaffolding.

463. Doors of Public Buildings. Every Council may pass by-laws regulating the size and number of doors in churches, theatres, halls or other buildings used for worship, public meetings or places of amusement, and the street gates leading thereto; also the construction and width of stairways in such buildings; also similar regulations regarding factories, warehouses, hotels, boarding-houses, hospitals, schools, colleges, and all other buildings of like nature; and the structure of stair-railings, strength of walls, beams and joists, and their supports, and compelling the production of the plans of all such buildings for inspection; also to prevent the obstruction of the halls, isles, passage-ways, alleys, or approaches to such public buildings during their occupation by a public assemblage.

Police officers may enter any such building during the time they are occupied, to see that the by-laws are not being violated.

464. Walls of Buildings. Councils may also regulate the size and strength of brick walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired, and to compel the production of plans for all buildings for inspection.

465. Licensing Hoists. May also pass by-laws for licensing and inspecting of hoists and elevators for passengers or freight, used by the public or for employees, and imposing penalties for using elevators contrary to the provisions of such by-laws. Such by-laws, however, must be in conformity with the provisions of the Ontario Factories' Act.

466. Erection of Buildings. Councils of cities, towns and villages may pass by-laws:

1. For regulating the erection of buildings.
2. For preventing the erecting of wooden buildings or additions thereto, and wooden fences in specified parts of the corporation.
3. For prohibiting the erection of buildings other than with the main walls with brick, iron or stone, and roofing of incombustible material within specified areas.
4. For regulating the repairing of existing roofs or external walls within the said areas to be made very nearly fireproof.
5. For authorizing the removal, at the owner's expense, of any building erected or repaired in violation of the by-law.
6. For regulating the use of fire or lights in stables, cabinetmakers' or carpenters' shops, and other combustible places.
7. For preventing or regulating manufactories or trades dangerous in causing fire.
8. For preventing, removing or regulating the construction of any chimney, fire-place, or other apparatus dangerous in causing fire; also to enforce the proper cleaning of chimneys.
9. To regulate the safe-keeping of ashes.
10. To enforce the erection of party walls.
11. To compel owners and occupants of houses to have scuttles in the roof, or stairs or ladders leading to the roof.
12. To cause buildings and yards to be put in a safe condition to guard against fire.
13. For requiring the inhabitants to provide as many fire buckets as may be required
14. For appointing inspectors to enter upon property at all reasonable times to see that the regulations are obeyed.
15. For preventing the spread of fires by pulling down adjacent buildings when necessary.
16. For enforcing the assistance of inhabitants present at fires.
17. For the erection of proper fire escapes on all public buildings and factories more than two storeys high, and compelling the owners to provide such fire escapes; and to prevent the occupation of such buildings unless the fire escapes are provided.

18. Regulating the times when stumps, wood, brush, straw, shavings or refuse may be burned in the open air, and prescribing the necessary precautions at such times.

19. To regulate the keeping and transporting of gunpowder and other combustibles or explosive materials, and for providing and regulating magazines for storing gunpowder for private individuals for a fee, and compelling persons to store therein.

467. Portable Steam Engines. The councils of townships may pass by-laws fixing the distance from any public highway within which any unenclosed portable steam engine may not be used for running a saw-mill or shingle-mill, and for imposing penalties for a violation of such by-law.

468. Fire Protection in Portion of Town. Upon petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area of a town or village, representing in value more than one-half of the assessed real property in such area, the Council of every town and village may, without the vote of the electors, pass by-laws for the purchase of a fire-engine and other appliances, and the supply of water therefor for the purposes of fire protection; also defining what real property within such area will be benefited by such fire protection, and is to be charged with the cost of the same, and making provision for levying in such property the cost of managing and maintenance.

469. Issuing Debentures. The Council may levy in any one year, upon the property to be benefited, the whole cost of such fire engine, appliances and for water supply, or may issue debentures payable in annual instalments during a period not exceeding ten years, with interest. The assent of electors is not required.

470. Joint Ownership. The councils of two or more adjoining municipalities, whether in the same county or not, may purchase jointly a fire engine and other appliances for fire protection, or road-making machinery, and agree as to the respective share of the cost to be borne by each, and the places where such are to be kept.

471. Vacant Lots. Councils of cities, towns and villages may pass by-laws causing vacant lots to be enclosed.

472. Fences. Councils of townships, cities, towns and villages may, by by-law, determine the height and description of lawful fences; also the height, description and manner of maintaining fences along highways, and for compensation for the increased expense (if any) to persons required to keep up such last-mentioned fences.

473. Line Fences. Councils of townships, cities, towns and villages may determine the height and description of division fences, how the cost shall be apportioned, and how amount so apportioned may be recovered.

Where such by-laws are not made, the Line Fences Act and the Ditches and Watercourses Act shall apply to the municipalities. See Section 668, this book.

474. Barbed Wire Fences. Same councils as above may provide for proper protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; and in towns and cities for wholly prohibiting them along streets and public places.

475. Snow Fences. Councils may require owners or occupiers of lands bordering upon any public highway to make, alter or remove any fence, subject to the provisions of the Act Respecting Snow Fences.

476. Water Gates. Councils may compel owners of lands through which any open drain or watercourse passes to erect and keep up water gates where fences cross such drain or watercourse.

477. Boundaries of Marsh Lands. Township councils may, by by-law, declare that in case of any lands where the boundary line or any part of it passes through a marsh or land covered with water, such part shall be deemed to be wholly enclosed within the meaning of the Act Respecting Petty Trespasses, if posts are set up and maintained along such part of such line at distances which permit of each being clearly visible from the adjoining post.

478. County Council and Fences. The councils of counties, in respect to fences along highways which it is their duty to maintain, have the same powers as those of townships, cities, towns and villages mentioned in Section 472. Also similar powers as councils previously mentioned in respect to snow fences, and to assist and compensate, either by payment of money or otherwise, owners or occupiers of land bordering upon highways within the county, for taking down, altering or removing fences likely to cause driits that would impede travel, and to construct some other fence which the Council may prescribe.

479. Providing Pounds. The Councils of townships, cities, towns and villages may provide yards and enclosures for the safe keeping of impounded animals; may provide for restraining and regulating the running at large of animals, and for selling such as are impounded, in case they are not claimed within a reasonable time, damages, fines and expenses paid; for appraising the damages and determining the compensation to be allowed for services rendered in carrying out the provisions of Acts respecting animals impounded.

480. Protecting Graves. Councils of townships, cities, towns and villages may, by by-law, provide for preventing the violation of cemeteries.

481. Weeds. Also for preventing the growth and compelling the destruction of Canada thistles and weeds detrimental to husbandry.

482. Shade Trees. For preventing injury to trees or shrubs planted or preserved for shade or ornament.

483. Signs and Posters. To prevent the defacing of printed or other notices, or pulling down or defacing of sign-boards or other notices lawfully affixed.

484. Night Watchmen. Councils of cities, towns and villages may, by by-law, appoint, employ and pay one or more night watchmen to patrol at night, or between certain hours of the night, any street or portion thereof, for the protection of property within the limits defined in the by-law, and for levying upon all the real property within said limits, except vacant lots, for the expense of such watchmen.

No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders, who would be liable for the expenses incurred, and who represent in value at least two-thirds of the real property on the street or portion of the street liable to be charged for the expense.

The signatures to such petition must be proved by affidavit of a reliable and competent witness to be genuine, before the Council can act upon it.

As between landlord and tenant of any premises within such limits, unless there is an express agreement to the contrary, the tenant is liable for the expense to be levied for the time of his occupancy.

485. Public Morals. The councils of townships cities, towns and villages may pass by-laws:

1. To prevent posting of indecent placards, or pictures, or writing indecent words, or making indecent pictures on walls or fences in public places.

2. For preventing vice, drunkenness, profane swearing, obscene or grossly insulting language and other immorality and indecency.

3. For suppressing disorderly houses and houses of ill-fame.

4. For suppressing gambling houses, seizing and destroying faro-tables, *rouge et noir*, roulette tables, and other devices for gambling found therein.

5. For preventing horse-racing.

6. For restraining and punishing vagrants and persons found drunk or disorderly in a street or other public place.

7. For preventing indecent public exposure of the person.

8. For preventing or regulating bathing in any public water in or near the municipality.

9. For preventing the sale or gift of intoxicating drinks to a child, apprentice or servant, without the consent of the parent, master or legal protector.

10. By the councils of cities, towns and villages for inspecting public bathing-houses and boat-houses, and for preventing such houses being used for illegal or immoral purposes.

11. For preventing children being on the streets after certain hours at night without proper guardianship—ringing the Curfew bell.

486 Food and Drink. The Councils of townships, cities, towns and villages may pass by-laws:

1. For appointing inspectors, and providing for the inspection of milk meat, poultry, fish and other natural products offered for sale for human food or drink, either on the streets, shops or public places.

2. For seizing and destroying all tainted and unwholesome meat, poultry, fish or other articles of food.

3. By councils of cities of one hundred thousand inhabitants or more authorizing the seizure of unslaughtered animals, which have died on any railway car or at market, in order to prevent them from being used as food; and for disposing in other ways of such carcasses, and securing to the owners such value as remains over and above the expense incurred in disposing of such carcasses.

4. By the Councils of townships, cities, towns and villages for preventing the use of deleterious materials in making bread, and for the seizure and forfeiture of bread made contrary to the by-law.

5. For establishing, protecting and cleansing public and private wells, reservoirs and other public and private water supply; for closing public and private wells, for preventing the fouling or wasting of such water, for procuring an analysis of such water, and for making reasonable charges for the use of public water.

6. For compelling the use of water supplied by the municipality for drinking and domestic purposes within certain areas, and prohibiting the use of spring or well water within such areas for such purposes.

487. Sanitary Measures. Councils of townships, cities, towns and villages may pass by-laws:

1. For regulating the construction of cellars, sinks, cesspools, water-closets, earth-closets, and privies, and for regulating the manner of draining, cleaning and disposing of the contents of the same.

2. For the filling up, draining, cleaning or repairing of any grounds, vacant lots and private drains.

3. For making any other regulations for sewerage or drainage deemed necessary for sanitary purposes.

4. For compelling owners, lessees and occupants of real property, within any defined area, to fill up any cesspools, water-closets or privies deemed to be dangerous to health.

5. For regulating the construction and use of dry earth closets within specified limits.

6. Councils of cities or towns may provide and maintain lavatories, urinals, water closets, etc., either upon the public streets or elsewhere, and provide the same with water.

7. The councils of cities and towns may regulate the erection or occupation of dwellings on narrow streets and lanes, in crowded or unsanitary districts.

8. Councils of townships, cities, towns and villages, in order to prevent the spread of contagious or infectious diseases, may provide for supplying blanks for the notification and recording of such diseases, and giving public notice of houses where such exist, and for taking such measures as the Public Health Act requires.

9. By councils of cities, towns and villages, regulating the interment of the dead, and preventing interments within the municipality.

488. Sewers and Drains. Councils may pass by-laws for opening, making, repairing or stopping up drains, sewers or watercourses within the jurisdiction of the Council, and for entering upon and using any land in or adjacent to the municipality necessary or convenient for said purpose,

or for providing an outlet for any sewer, or of establishing works or basins for the interception or purification for sewage, and for making all necessary connections therewith; but subject to the payment of compensation to persons suffering injury therefrom, and to any restrictions and liabilities imposed by the Municipal Act.

489. Cellar Levels. The councils of cities, towns and villages may compel owners, tenants and occupants to furnish the Council with the level of cellars already constructed or which may hereafter be made along the streets, and requiring them to comply with the level fixed by the by-laws.

A ground plan of all buildings to be erected must first be deposited with the proper officer, showing the levels of the cellars and basements.

490. Surface Waters. The Council, in order to prevent the city, town or village from being flooded by the surface water flowing from an adjoining municipality, may purchase such land as would be required and provide an outlet for the water through any other municipality. The consent of the municipality in which such lands are situate, must be obtained before these powers are exercised.

491. Extension of Sewers. If in order to procure an outlet for a sewer of a municipality it becomes necessary to extend it through a contiguous municipality, it shall have power to so extend it, and to connect the same to any existing sewer of such municipality upon such terms and conditions as may be respectively agreed upon; or in case of disagreement then upon such terms as may be determined by arbitration.

If such contiguous municipality objects to allow such sewer connection or to have such sewer extended through its territory, then the arbitrators must determine also whether, under the circumstances, such sewer extension or connection be allowed to be made. Nothing in this section shall authorize the construction of an open drain or sewer or anything done that would affect the provisions of the Ditches and Watercourses Act.

492. Wet Lands. The councils of townships may purchase wet lands at the disposal of the Crown, and it is lawful for the corporation to raise the money by loan or otherwise for purchase and drainage of the same.

493. Obstructing Streets. The Councils of cities, towns and villages may pass by-laws preventing the obstruction or fouling of streets, lanes, alleys and squares by animals, vehicles, or other means.

They may cause the removal of door-steps, porches, railings, or other projections extending into any street or public way, at the expense of the owner.

494. Obstructing Highways. Councils of townships, cities, towns and villages may provide for the removal of any fence, timber, stone, fire-wood, or other obstructions, placed upon the highway; and if the person so offending defaults for five days after notice to remove the obstruction, he is liable for the expense of its removal. This clause does not apply to material used for road or bridge purposes.

A worm fence, which is not more than one-half its width upon a road allowance, is not deemed to be an obstruction.

Also provide against persons throwing any dirt, filth, rubbish or carcasses of animals upon a street, lane or highway.

No stone or other material shall be put upon roads for repair during the winter months, so as to interfere with sleighing.

495. Removal of Snow. By councils of towns, villages and cities under one hundred thousand inhabitants for compelling owners or occupants of premises to remove snow, ice and dirt from the roofs and from the sidewalks, streets and alleys adjoining the premises; also to provide for cleaning sidewalks or streets adjoining vacant property, or the property of persons who, for twenty-four hours, neglect to remove the same, and to clear it away at the expense of such owners or occupants; and, in default of payment, to charge such expense as a special assessment against the premises.

The by-law may define certain areas only where it shall be operative.

Councils of cities of one hundred thousand, or over, may fix the time for removal of snow, ice or dirt at *five hours* after 8 o'clock a.m., when the storm ceased at any time before 8 a.m.

496. Cab Stands. Councils of cities, towns and villages may provide for stands for vehicles kept for hire on the public streets, and may erect and maintain covered booths for the protection of the drivers. No such booth must be placed on the sidewalk in front of property without first having the consent of the owner or lessee of such property.

497. Traffic on Streets. Cities, towns and villages may have by-laws regulating traffic on the public streets, the width of tires and wheels of vehicles used to carry heavy burdens, and may prohibit heavy traffic and the driving of cattle, sheep, pigs and other animals on certain streets.

498. Width of Sleigh Runners. County councils may provide that no sleigh or other vehicle on runners, except cutters and pleasure sleighs, shall be used upon the public highways of the county unless the runners are at least three feet nine inches apart at the bottom. This cannot apply to non-residents, and the Council may also exempt sleighs already made. Such by-laws cannot come into force sooner than one year from the time of its passing.

499. Driving on Roads and Bridges is also under the control of the various councils, who may prohibit racing or immoderate driving on highways and over public bridges. Cities of one hundred thousand or over may set apart certain streets on which they will permit of fast driving, but if a majority of the property owners on such streets petition against such by-law it shall be repealed.

500. Vehicles on Sidewalks. The Council of every municipality may prohibit carriages, bicycles, sleighs and every form of conveyance from being used upon any sidewalk, footpath, boulevard, park or other place used by pedestrians or set apart for ornament or public recreation; also for driving any horses or cattle or other animals on or in such places.

501. Statute Labor. Township councils may pass by-laws allowing any person liable to statute labor to compromise for such labor at a rate not exceeding \$1 per day for a period not exceeding five years.

May also provide, that a sum not exceeding \$1 per day shall be paid in commutation of statute labor.

Also, for increasing or reducing the number of days statute labor required as per assessment, or may entirely abolish it.

Also, for reserving a portion of the statute labor or commutation to be applied to keeping roads open in winter.

502. Wharves, Harbors, etc. Councils of any municipality may pass by-laws for making, improving and preserving wharves, docks, etc., for regulating harbors, preventing the filling up or fouling of sewers, erecting beacons, renting wharves, docks, etc., regulating vessels arriving in harbor, imposing harbor dues, employing and paying a harbor-master, removing door steps, porches, etc., projecting over such harbor at the expense of the owner, and for compelling the removal from any public wharf, shore, bay, etc., any sunken or wrecked vessel or other craft or obstruction by the owners or charterers.

Also, for preventing persons from obstructing any drain or watercourse.

503. Streams and Watercourses. Councils of townships may pass by-laws for preventing the obstruction of streams and watercourses by trees, or other materials, and for removing the same at expense of offenders.

Whenever any stream or creek in a township has been cleared of all logs, bush, etc., to the town line between that and the adjoining township into which such stream flows, the Council may serve a notice, in writing, on the head of the Council of the said adjoining township, requesting such Council to clear such stream through their municipality; and if such Council neglects to do so within six months after receiving such notice, and if, by reason of such neglect, any public road or bridge in either of the said townships becomes out of repair, the township in default becomes civilly responsible for all damages that any person may sustain by reason of such want of repair. The action must be brought within three months after the damages were sustained.

504. Acquiring Water Rights. Any municipal corporation may acquire, by purchase, demise, or gift, the right and title to any stream, watercourse or lands in the municipality, or within three miles thereof, and make all the improvements necessary for the purposes of obtaining power to operate machinery for supplying electric light within the corporation.

They may acquire whatever land is necessary for such water privileges, borrow money and issue debentures for same.

The by-law to ratify any agreement thus entered into must be submitted to the electors and receive a majority of the ratepayers entitled to vote on such by-law, according to the provisions of Sections 338 to 365.

After the acquisition of such water privileges the corporation may use the same and grant leases of the whole or any part, but cannot sell any part of the water privileges or of the land until so authorized by a by-law,

which has been submitted to and passed by a vote of the same class of ratepayers as voted upon the acquisition of said water privileges. No lease shall be for a longer period than thirty years, with the right of renewals.

505. Water Works. Any municipality may, by by-law, construct, improve, maintain, and manage water works and all necessary buildings, machinery, etc., belonging thereto, in or in the neighborhood of the municipality.

506. Gas and Water Pipes. Councils may pass by-laws authorizing gas or water companies to lay down pipes or conduits subject to such regulations as the Council sees fit.

507. Municipal Gas and Water Works. Councils of cities and towns may pass by-laws for the construction of gas and water works, levying the necessary annual rate, and form an equal annual sinking fund, for payment of principal and interest, covering not more than thirty nor less than five years.

508. Street Railways. Councils of cities and towns may provide for building and operating street railways subject to the terms the Lieutenant-Governor may approve; and for leasing the same and for levying a special annual rate to pay the interest, and to provide an equal yearly sinking fund, for payment of the principal within thirty years. They may extend such railway into an adjoining municipality by consent of such municipality, and subject to the same liabilities and conditions as other street railways under the Street Railway Act.

509. Vestibules for Motormen. Councils of cities may pass by-laws compelling electric street railways operating within its limits to provide proper enclosed vestibules upon its street cars, to protect motormen and other persons in charge of cars from November 1st to March 31st.

510. Street Railway By-Laws. No by-law for the construction of gas and water works and electric street car lines shall be passed until the estimated expenditure has been published for one month, and the time of holding the poll for two months, together with a complete copy of the by-law, and the time for considering the same in Council for one month, in some newspaper published in the county. The by-law must receive a majority of the electors voting at the poll, and be passed by the Council within three months after the poll. If rejected at the poll no other by-law for the same purpose must be submitted during the current year.

511. Telephone Service. The Councils of cities and towns have power to construct, own and operate a telephone business and service, purchase or lease land, buildings, machinery and all apparatus necessary to conduct such business within the municipality, or within two miles thereof, and supply subscribers within the municipality or in the neighborhood thereof, fixing and collecting rates for same in such manner as the by-law directs. The sinking fund must provide for the payment of the principal within thirty years.

Actions for claims by way of arbitration, whether for injury or in

contract, must be brought within six calendar months after the act was committed, or the discovery of the injury or damage, by the injured party; or, in case there is a continuation of damage, then within one year from the first committal of the act or its discovery.

512. Trees on Streets. 1. Councils of townships, cities, towns and villages may encourage the planting of trees and shrubs suitable for affording shade on any highway by abatement of statute labor, or by paying out of the general fund a sum not less than 25c for every tree planted, according to the requirements of the by-law.

2. Councils of all municipalities may cause the removal of any trees, shrubs, etc., growing on any street or public place under its control, if it is deemed necessary; but the owner of the adjoining property is entitled to ten days notice of such intention of the Council, and also to compensation for his trouble in planting and protecting the same.

But such owner of adjoining property, or a pathmaster, or other public officer, shall not remove such tree or shrub without the express permission of the Council. The councils may also make regulations for planting and preserving ornamental trees upon any street, public place or square, also the distance from boundary lines of private property, where such trees may be planted without the consent of the owner or occupant.

3. Councils of cities and towns of 40,000 or over may authorize the Park Commissioner or other officer appointed for the purpose, to plant such ornamental trees, and also to trim all other trees, the branches of which extend over the streets. The municipality shall not be liable for injury to trees occasioned thereby, if reasonable care, skill and judgment have been exercised in trimming.

4. Cities of over 100,000 inhabitants may authorize the Park Commissioner, or other official appointed by the Council, to cut down and remove all decayed trees, remove and transplant any trees, shrubs, etc., growing in any public place or street under its control after giving forty-eight hours' notice of its intention to do so, without being liable to any owner of adjoining property, provided that no live tree, unless within twenty feet of other trees, shall be removed without the consent of the owner of the property in front of which such tree is situate.

513. Land for Parks. The Councils of all municipalities may pass by-laws for acquiring land for public parks, squares, drives, etc., in the municipality or adjoining local municipality, without the consent of the owners of such real property, and if the amount of compensation cannot be agreed upon, it shall be determined by arbitration.

Where land thus expropriated is in an adjoining municipality, such parks must be kept in an efficient state of repair, open to the general public and provided with sufficient police protection.

514. Land for Cemeteries. Councils of townships, cities, towns and villages may pass by-laws for acquiring land for cemeteries, laying out, improving and managing the same. The by-law must declare, in express terms, that the lands so appropriated are for a public cemetery and for no other purpose, and such land, although without the municipality, shall

become a part thereof, and cease to be a part of the municipality to which it formally belonged. Such by-law shall not be repealed.

1. A cemetery may be within the territorial limits of a village, providing the by-law receives the approval of the Local Board of Health, and is ratified by the Provincial Board of Health.

2. Existing cemeteries or burying grounds in a village or town may acquire or expropriate lands for enlargement if the Provincial Board of Health consent. But no lands can be so expropriated in a city.

3. In case the Council and the owner of the lands expropriated cannot agree as to price, the matter shall be determined by arbitration.

The arbitrators shall decide whether it is in the public interest that the lands, or any part of them, should be expropriated for said purpose, and if so, to fix the price to be paid the owner. The costs shall be in the discretion of the arbitrators.

If the arbitrators award the lands to be taken for such purpose, one copy of the award shall be deposited with the Registrar of the county or city, as the case may be, which shall be a valid title to the lands.

4. The award shall be in writing, and fully describe the boundaries of the lands taken.

5. Lands used as an orchard, garden or pleasure ground, and land within two hundred yards of a dwelling-house shall not be expropriated without the consent of the owner.

515. Public Fairs. Councils of counties, cities and separated towns may, upon petition of fifty qualified electors, pass by-laws authorizing the holding of public fairs at one or more of the most convenient places not separated from the municipality for municipal purposes, for the sale, barter, and exchange of cattle, horses, sheep, pigs, and agricultural products. Public notice of the by-laws establishing such fair must be given immediately by the Council.

516. Markets. No municipality shall impose or collect a market fee upon any wheat, barley, rye, corn, oats or other grain, hay or other seed, or wool, lumber, lath, shingles, cordwood, firewood, dressed hogs, cheese, hay, straw or other fodder that may be brought to the market place for sale or other disposal, or upon the person bringing it, or the vehicle in which it is brought.

517. When Market Fees are Chargeable. No market fees shall be charged upon butter, eggs or poultry brought to the market place for sale, unless a convenient and fit place is provided by the municipality in which to expose the same for sale, and which shall afford shelter in summer and reasonable protection from the cold in winter.

1. Where the vendor of any article brought within the municipality, in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery without hawking the same upon the streets, no market fee shall be collected.

2. Also, there shall be no market fee imposed or collected upon any article brought into the municipality after the hour of ten o'clock in the forenoon, unless it is brought upon the market place.

3. No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the seller or purchaser desires it.

4. After nine o'clock a.m. from the first day of April to the first day of November, and after ten o'clock a.m. from the first day of November to the first day of April following, no person is compelled to remain on the market place, but may go elsewhere to sell. The legal market fee, of course, must be paid. Those coming in later need not resort to the market.

518. Scale of Market Fees. No higher market fees than the following may be imposed:

Upon articles (upon which fees may be imposed) brought to the market place in a vehicle drawn by two horses, not more than 10 cents.

Upon articles brought to market in a vehicle drawn by one horse, not more than 5 cents.

Upon articles brought to market by hand or in a basket, 2 cents.

Upon live stock driven upon the market place for sale, as follows:

Every horse, mare or gelding, not more than 10 cents

Every head of horned cattle, " " 5 "

Every sheep, calf, or swine, " " 2 "

519. Fees for Weighing. No greater fee shall be charged for weighing or measuring than as follows:

Weighing a load of hay, 15 cents.

Weighing slaughtered meat, grain or other articles, under one hundred pounds, 2 cents. Over two hundred pounds and under one thousand, 5 cents. Over one thousand pounds, 10 cents.

Live animals, other than sheep or pigs, per head 3 cents.

Sheep or pigs, if more than five, per head 1 cent. If less than five, for the lot 4 cents.

Measuring a load of wood, 5 cents.

520. Regulation of Traffic. 1. Subject to the foregoing provisions, municipalities may regulate the retail sale of such articles in the public streets or vacant lots.

2. The preceding restrictions shall not apply to any municipality which keeps in force a by-law providing that the vendors of articles, subject to market fees, may offer them for sale without paying market fees at any place in the municipality except the market place.

Such by-law, however, may provide that market fees be collected, upon such articles as are liable, from those who *voluntarily* use the market place for selling the same, and also from those who remain or whose vehicle remains upon that part of a street within one hundred yards of the market place, so as to obtain the advantages of said market. This last clause does not apply to the sale of any articles to persons carrying on business in a *bona fide* store or shop in the vicinity of the market.

3. Fees cannot be charged on markets made in streets simply. This does not apply to such parts of streets as abut upon a market square.

4. Municipalities which have no established market may regulate the sale and places for sale of any articles within the corporation. Fees may also be charged for weighing and measuring. Weighing machines may be established and fees for weighing charged.

521. Market By-Laws. Subject to the preceding restrictions, the councils of cities, towns and villages may pass by-laws:

1. For establishing markets, or continuing old markets.
2. For selling, assigning or leasing market fees.
3. For regulating the buying and selling of articles or animals exposed for sale.
4. For preventing or regulating the retail sale of meat, vegetables, grain, hay, fruit, beverages, smallware, and other articles in the streets.
5. For preventing criers and vendors of smallwares from practising their calling on the market place or streets.
6. For preventing the forestalling or monopoly of market grains and all other articles and products usually sold in the market for family use.

Farmers and other producers may sell such produce and articles at stores and shops at any hour of the day.

7. For preventing or regulating the purchase of such things by hucksters, grocers and butchers or runners.

8. For imposing penalties for light weight, or short count, or short measurement in anything marketed.

9. For seizing and forfeiting bread or other articles of light weight or short measurement.

10. For regulating all vehicles, and all other things in which anything is offered for sale, and for imposing a reasonable duty thereon.

11. For selling, after six hours' notice, butcher's meat distrained for rent of market stalls.

522. License for Sale of Meat. The Council of every town and village, and of every city having less than 100,000 inhabitants, and the Board of Commissioners of Police of cities having 100,000 inhabitants or more, may pass by-laws granting licenses annually or oftener for the sale of fresh meat for less quantities than by the quarter carcase, and for regulating the places where such sales shall be allowed; and for preventing the sale of fresh meat in less quantities than by the quarter carcase, unless by a person holding a valid license and in the place authorized by the Council.

The fee allowed for municipalities to charge for such license is a sum not exceeding \$50 in cities, and \$25 in towns and villages.

523. Pawnbrokers. 1. Every person who takes, by way of pawn pledge, any goods for the repayment of money lent thereon, shall be deemed a pawnbroker.

2. No person shall exercise the trade of a pawnbroker unless he obtains a license from the Treasurer of the Municipality, and which must be renewed annually.

3. The fee for license is \$60 per year.

4. The penalty for exercising such trade without having obtained a license for the same, or renewal, is \$50 with costs for every pledge so taken.

5. No person by having one license can keep more than one house or shop for taking goods in pawn.

6. A partnership of any number of persons may carry on the trade in the same house under one license.

7. Every pawnbroker shall have a sign with his name and the word "Pawnbroker" in large, legible characters thereon, placed over the door outside of the shop.

8. The penalty for neglect to have such sign so placed is \$40 for every shop or place made use of for one week without having such sign put up, to be recovered before a Police Magistrate or two Justices of the Peace, and in default of payment, or recovery through distress, to imprisonment for a period not exceeding three months nor less than fourteen days.

9. Every pawnbroker shall also have painted or printed in large legible characters, and placed in a conspicuous part of the shop, the rate of profit the statutes allow to be taken, and also the various prices of the notes or memorandums given when the money is advanced, which ones are *gratis*, and the expense of getting another, if the first one for any reason is lost.

10. Before he advances money over \$1 on goods he must enter in a book kept for that purpose, in a legible hand, a description of the goods, the sum lent, with the day and year, and name of person pawning the goods, his street and number, and whether he is a lodger or the keeper of such house, according to the information received from such person. If the sum does not exceed \$1 a similar entry must be made within four hours.

11. Pledges upon which more than \$2 are lent shall be entered in a separate book and numbered consecutively as such goods are pawned (as No. 1, No. 2, etc.) every month throughout the year, and upon the note respecting such pledge be written the same number as entered in the book.

12. At the time of taking a pawn, a note or memorandum shall be given to the person pledging the goods containing a description of the same, the money advanced on them, the date, names, place of abode and number of house, and upon the back of the note the name and place of business of the pawnbroker.

13. The fees allowed to be charged for each note or memorandum are: When the sum loaned is under \$1 the note shall be gratis; if the sum is \$1 but under \$2, one cent; if \$2 and under \$5, two cents; if \$5 and under \$20, three cents; if \$20 and upwards, seven cents.

14. The penalty for pawning the goods of others is a forfeit of not less than \$4, nor more than \$20, and also the value of the goods pawned.

15. If any person knowingly buys or takes in pawn from any journeyman mechanic, goods of any manufacture in any stage of manufacture, or goods which have been entrusted to any person to work, iron, etc., shall, upon conviction or confession, forfeit the sum lent thereon and restore the goods.

The owner of such goods illegally pawned may, on his oath before a Justice of the Peace that there is just cause to suspect the goods have been pawned, obtain a search warrant and search the suspected places.

16. If the party keeping such place refuses to admit the officer, and after a forced entry the goods are found concealed, and if satisfactorily identified, they shall be restored to the proper owner, and the occupier of such place where the goods are found shall be fined not less than \$8 nor more than \$20.

17. If the pawner within one year offers to redeem the goods, tendering the note or memorandum and the principal money borrowed,

together with the lawful profit, and the pawnbroker refuses to deliver the goods, he may be brought before a Justice of the Peace for examination and if the tender of the money and note is proved to have been made within one year and the lender still refuses to accept the same, the Justice may order the goods forthwith to be delivered up to the borrower, and if the lender refuses or neglects to deliver the same or make satisfaction for them, the Justice shall commit him to gaol until he delivers up the goods according to the order or makes satisfaction for the value of them.

18. Where goods have been lost, damaged, embezzled, or sold before the time, the Justice may fix the amount of satisfaction to the owner.

19. No fee shall be taken by a justice for a summons relating to goods pawned.

The penalties recovered belong to the municipality.

20. No pawnbroker is liable to a prosecution before a Justice under this Act unless information is given within twelve months after offence was committed.

No person who has been convicted of fraud or felony shall prosecute or inform against a person under this Act.

An appeal may be taken from the judgment of the Justice to the Court of General Sessions.

524. When Goods may be Sold. All pawned goods are deemed to be forfeited and may be sold at the expiration of one year, exclusive of the day on which they were pawned.

When the sum lent exceeds \$2 the goods must be sold by public auction. The goods must, before such public sale, be exposed to public view, and a catalogue published giving a description of the goods separately, the month when received, and number of the pledge, and a notice of the intended sale must be inserted twice in a public newspaper.

In case the goods are not described separately in the catalogue it incurs a penalty not less than \$8 nor more than \$40.

If there is any surplus over sum lent and cost of catalogue and advertisement, it must be paid over to the borrower.

The person for whom the goods were pawned may inspect the "Account of Sales Book" for the entry of the sale, on the payment of five cents.

In case the pawnbroker refuses inspection of the entry of the sale, or if the goods were sold for more than the sum entered for, or in case the entry was not made, or he did not *bona fide* sell the goods according to legal requirements, or refuses to pay over the surplus to the borrower on demand, he shall forfeit \$40 and treble the sum for which the goods were pawned.

525. Restrictions on Pawnbrokers. 1. They must not receive goods from any person who appears to be under fifteen years of age, or to be intoxicated; or,

2. Purchase or take in pawn the note or memorandum of any other pawnbroker; or,

3. Employ any person under sixteen years of age to take any pledge; or,

4. Receive any goods as pawn on Thanksgiving Day or Sunday, or on any other day before 8 o'clock a.m., or after eight in the evening, except Saturdays and the evening before Good Friday and Christmas, when the pawn shop may keep open until ten o'clock p.m.

526. Registration of Births, Marriages and Deaths. Notice must be given to the Division Registrar as follows:

1. For births, notice is to be given by the parents, or some one representing them, within thirty days.

The medical practitioner attending the birth is also required forthwith to give such notice.

If not registered in the proper time, the Registrar may register at any time within one year; but after lapse of one year, then only by the written consent of the Registrar-General.

If the birth is registered without giving a name to the child, or if it is desired to change the name, it can be done any time within ten years, by furnishing to the Registrar a certificate signed by the clergyman who baptized it; or, if not baptized, then by the parents or guardians of the child.

2. For marriages, every clergyman shall report every marriage he celebrates to the Division Registrar within thirty days. The Registrar General may permit the registration of an unregistered marriage any time within ten years.

3. Some person in the house, or present at the death of a person, is required to supply the Division Registrar with all the particulars required to be registered before the interment of the body.

The medical practitioner last in attendance shall forthwith on receiving notice of the death, send to the Medical Health Officer a certificate of the cause of death. Interment must not take place until a certificate of registration has been obtained.

527. Penalties. Any person who, in any of these requirements, knowingly makes a false statement shall, upon conviction before a stipendiary magistrate or a Justice of the Peace, forfeit a sum not exceeding \$50.

For neglect to give the required notices incurs a penalty of not exceeding \$10 for each case. Action must be commenced within two years. One half of the fine goes to the informer and remainder to the municipality.

528. Auctioneers. Councils of counties, separated towns, and cities of less than 100,000 inhabitants, and Boards of Commissioners of Police in cities of 100,000 or over, may provide for licensing and regulating auctioneers and other persons, for the sale of goods by public auction, and for fixing the sum to be paid for such license, and also for prohibiting the granting of such license to a person who is not of good character, or whose premises are not suitable, or where it is not desirable to have such business carried on.

A bailiff, in selling goods distrained for rent, does not need a license.

529. Billiard Tables. And by same councils and commissioners as above, for licensing and regulating billiard and bagatelle tables and

bowling alleys, conducted by persons for hire or gain, and for fixing the sum to be paid for said license; and also for licensing bill-posters and fixing the sum to be paid therefor.

530. Public Shows. By same councils and commissioners as named in Section 528, for licensing and regulating exhibitions of wax-works, menageries, circuses, roller skating rinks and similar places of amusement, and fixing the sums to be paid for such licenses, and imposing fines for infringements of such by-laws, which, however, must not exceed the amount of the license fee.

No such license shall be granted, or license for any gambling purpose of any description, on the days of any district or township agricultural society fair, either on the grounds of such society or within three hundred yards of the same. (See Section 532.)

531. Hawkers. By the councils and commissioners, as stated in Section 528, for licensing and governing hawkers, pedlars and other persons who go from place to place selling goods or merchandise of any description, and for fixing the sums to be paid for such license, which must not exceed \$50 for a two-horse vehicle, \$30 for a one-horse vehicle, \$15 for a push cart, and \$1 for one carrying a basket.

532. Gambling at Fairs. Any person who carries on, or aids in carrying on, any kind of gambling or any game of chance, at any agricultural, horticultural, live stock or industrial exhibition or fair, or within one-half mile thereof, shall be liable, upon summary conviction, to a fine of not less than \$20, nor more than \$200, and costs.

533. Payment of Taxes by Instalments. In cities, towns, townships and villages, the Council may, by by-law, require the payment of taxes, local improvement assessments and sewer rates, to be paid into the office of the treasurer or collector, at a date appointed therein, either in bulk or by instalments, and may allow a discount for payment on or before such day.

The Council may also, by by-law, impose additional percentage, not to exceed five per cent., on every such tax not paid on the day so appointed. This also applies to non-residents.

In towns, villages and townships, where there has been no day appointed for payment, the Council may, by by-law, impose such percentage on those which have not been paid on or before the 14th day of December in each year. In such case there must be fourteen days' previous notice given.

The Council of townships, cities, towns and villages may pass by-laws disqualifying any elector from voting at municipal elections who has not, on or before the 14th day of December preceding the election, paid all municipal taxes due against him.

534. High Schools. 1. On or before the 1st day of July in any year, the County Council may, subject to the approval of the Lieutenant-Governor in Council, pass a by-law for the establishment of a new high school in any municipality containing not fewer than one thousand

inhabitants, according to the last municipal census; or may discontinue, at the end of any municipal year, a high school already established.

2. A high school district, composed of more municipalities than one, may be established, by by-law of the County Council, in any incorporated village, although containing less than one thousand inhabitants, providing it is shown to the satisfaction of the Lieutenant-Governor in Council that the adjoining municipalities have passed by-laws for uniting with such village, so as to constitute a high school district containing at least three thousand inhabitants according to the last Dominion census.

535. In Cities. The Council of a city may establish as many high schools in such city as it may deem expedient, subject to the approval of the Lieutenant-Governor in Council.

536. Trustees. 1. Any ratepayer twenty-one years of age, residing in the county or municipality in which the high school is situated, who is not a member of the Municipal Council of such municipality or county, is qualified to serve as trustee or a member of a Board of Education. Every High School Corporation shall consist of at least six trustees.

2. Where a high school district is composed of a county, the County Council shall appoint six trustees, two of whom shall retire each year.

3. In case of high schools situated in any municipality within the jurisdiction of the county, three of such trustees shall be appointed by the County Council, and the additional trustees by the municipalities as follows: If the high school district is composed of one municipality, then the Council thereof shall appoint three additional trustees; if it is composed of two municipalities, then each one shall appoint two trustees; and where it is composed of more than two municipalities, each municipality shall appoint one trustee.

Any portion of a municipality assessed for \$50,000, included in a high school district, shall be considered a municipality for the purposes of this section.

In every case, one of the trustees appointed by the County Council and one trustee appointed in each municipality in a high school district shall retire each year.

4. In cities and towns separated from the county, the councils thereof shall appoint six trustees for each of the high schools of such city or town. For further information concerning School Boards and duties of trustees, see Chap. 293, R. S. O., 1897.

537. Site for High Schools. A high school shall not be selected, in a township, within one hundred yards of the garden, orchard, pleasure ground or dwelling-house of the owner, without his consent.

In selecting land for a site for a high school, or for the enlargement of the school premises, if the owner of the land and the trustees cannot agree as to the price thereof, the matter shall be settled by arbitration.

538. Grants to High Schools from Counties. The County Council shall, on or before the 15th day of December in each year, pay for the maintenance of every high school in the county (except those established in a town separated from the county), without any abatement because

of fees paid by county pupils, an amount equal to the legislative grant for each of such high schools.

For further aid to such schools, where the cost of maintenance of county pupils exceeds the legislative grant and the fees paid by such pupils, see Section 32, Chap. 293.

539. Exemptions. No municipal by-law hereafter passed, exempting ratable property of a municipality from taxation, shall be construed to exempt such property from school rates of any kind whatever.

540. Adulterated Milk. The penalty for knowingly and fraudulently selling adulterated milk, or diluted with water, or from which the cream has been taken (skimmed milk), or milk that is tainted or partly sour for want of proper care of the vessels in which it is kept is, for every offence, a fine of not less than \$1 nor more than \$50 and costs. Skimmed milk may be sold if sold as such. Any justice of the peace or a police magistrate may hear the case. In default of payment, or failure of distress, the offender may be imprisoned for a period not less than one day nor more than twenty.

The person aggrieved by such fraud may also sue the offender for the damages sustained, and recover both damages and costs.

541. Fraud in Sale of Fruit. Any person who, with the intent to defraud:

1. Alters, effaces or covers any packers' marks made on any article in which fruit is offered for sale; or,
2. Counterfeits any such mark, or uses it after the name has been once marked; or,
3. Empties or partially empties any such marked article, and puts therein any fruit not contained therein at the time of the original marking; or,
4. Uses for the purpose of packing fruit any article bearing marks previously made by any other packer; or,
5. Falsely states the grade of fruit packed in the article marked, or the name or address of the packer, or the weight or the measure of the fruit so packed, shall be liable, on summary conviction, to a fine not less than \$1 nor more than \$5 and costs.

542. Concealing Defects. Any person who, with intent to defraud, so arranges apples, pears, plums, peaches, cherries, berries or other similar fruit in a box, basket, or crate, or other article for delivery to any other person in such a manner as to conceal defects, in size or quality, in any portion of such fruit by covering the same with fruit of larger size or better quality, or otherwise, shall be liable, on summary conviction, to a fine of not less than \$1 nor more than \$5 and costs.

543. Consignee's Report. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission, shall, when requested to do so by the consignor, in writing, furnish the said consignor, within one week after receiving notice, or after disposing of the fruit, as may be requested, with a detailed statement, in writing, in regard

to the sale or disposal of the same, giving the price or prices received and the names and addresses of the purchasers.

544. Malignant Diseases among Horses. The Minister of Agriculture may appoint a veterinary inspector, who may, in the district for which he has been appointed, enter upon any premises in the performance of his duty, and, if necessary, call upon any constable or other officer to aid him in carrying out the regulations of the Act:

1. Where it appears to any person that any horse is affected with a malignant disease, it is his duty to notify the Minister of Agriculture by sending a statutory declaration made before a justice of the peace, a commissioner or a notary public, and also to notify any other person known to have jurisdiction in the matter.

A person who maliciously and without reasonable cause gives such notice is liable to a penalty, not less than \$25 nor more than \$50.

2. The owner of a horse he suspects to be so affected is required to take all reasonable precautions to prevent the spread of the disease until it has been determined by the veterinary inspector that the horse is free from disease.

3. Where it appears to the inspector that a horse is so affected, he shall notify the owner at once, and also the Department of Agriculture.

He shall also cause it to be safely kept where it will not transmit the disease to others.

4. The councils of counties, cities and separated towns may pass by-laws for the inspection of all horses within the respective municipalities, or may limit it simply to stallions intended for breeding purposes, and prescribe such regulations as to the Council seems expedient.

5. Where a county does not pass such by-laws townships may. If the County Council shall subsequently pass such by-law then the township by-law becomes inoperative.

6. Any person who refuses to admit an inspector to any field, stable or other premises where such inspector has ground to believe that any horse affected with disease is to be found, incurs a penalty not exceeding \$50.

And any person who obstructs or impedes an inspector or other officer appointed by the department, while in the performance of his duty, is liable to a penalty not exceeding \$100.

7. Any person who exposes for sale or sells any horse which he has reasonable grounds for suspecting is affected with disease, or has been pronounced by a veterinary inspector to be diseased and unfit for breeding purposes, is liable to a penalty not less than \$100, nor more than \$500, for the first offence, and to the same fine and imprisonment for not less than two months for any subsequent offence.

An offence against any of the provisions of this Act for which no other penalty is affixed, is liable to a fine not exceeding \$100 for each offence.

545. Fraudulent Entry of Horses. The penalty for entering for competition for any purse, prize, premium, stake or sweepstake offered by any agricultural or other association where the contest is to be decided by

speed, any horse, colt or filly, under a false or assumed name or pedigree, or in a class different to what such animal properly belongs by the rules of the society, is liable, upon conviction before a justice of the peace, to a penalty not less than \$50 nor more than \$200, for each offence, together with costs, and in case of non-payment, to imprisonment not exceeding six months. The prosecution must be commenced within two years from the offence.

546. Cattle and Railway Crossings. Horses, cattle, swine or sheep found at large upon any highway within half a mile of the point where such highway crosses a railway track on level grade, unless in charge of some person to prevent their stopping on such crossing, may be impounded.

And if killed at such point of intersection, by a train when not in charge of a keeper, the owner is not entitled to any action against the railway company.

547. Aliens. No man not being a natural-born or naturalized subject of Her Majesty, is qualified to serve as grand or petit juror in any of our courts.

SHOP REGULATIONS.

1. No person under ten years of age shall be employed in any shop.
2. No child, young girl or woman shall be employed in any shop on any day of the week, except Saturday or the day before a statutory holiday, before seven o'clock a.m., or after six o'clock p.m.; nor on such days before seven a.m., or after ten o'clock p.m.
3. Every such child, young girl or woman shall be allowed one hour for the noonday meal, and if employed after six o'clock p.m., forty-five minutes for an evening meal.
4. They may be employed one other day than Saturday each week until ten o'clock p.m., but in such case they shall not be employed on Saturday after six o'clock p.m.
5. This prohibition does not apply to the time between the 14th day of December to the 24th of December, inclusive, in each year.
6. The penalty for the employment of any child, young girl or woman contrary to this Act, is a fine of not less than \$10, nor more than \$25, for each person so employed, with costs; and in default of payment to imprisonment for not less than one month nor longer than three months.
7. Every shop in which females are employed shall provide seats and keep therein a sufficient number of seats or chairs for every such female, who shall be permitted to use such seat when not necessarily engaged in her work, and the employer shall not, by any means whatever, try to prevent such female using such seat. The penalty for its violation is the same as named in the preceding paragraph.
8. A notice giving the regulations of this Act; and also the name and address of the inspector is required to be kept posted up in every shop.

548. Factories Act. This Act for Ontario is very important and guards well the best interests of the employer as well as making just provision for the protection of the health, personal comfort and life of the employee. As all the regulations of the Act are required to be kept posted up in every factory, it is unnecessary to enumerate them here.

549. Offensive Trades. The following trades shall not be carried on in any municipality without the consent of the Council:

Blood boiling, bone boiling, refining of coal oil, extracting oil from fish, storing of hides, soap boiling, tallow melting, tripe boiling, slaughtering of animals, manufacturing of gas or any other noxious or nauseous trade or manufacture. The penalty for establishing any of the above without consent, is a sum not exceeding \$250; and for carrying on any such business without such consent, a penalty not exceeding \$10 for every day such business is continued after notice in writing by the local Board or any of its officers, whether there has or has not been a conviction in respect to the establishment thereof.

550. Bakery. All bake-shops are to be constructed and kept in a sanitary condition, with wash-room, closet and other conveniences for the employees, together with sleeping-rooms—all to be separate from the bake-shop. Employees shall not work on Sunday, nor longer than ten hours per day, nor more than sixty hours per week.

No person affected with consumption of the lungs, or with scrofula or with any venereal disease, or any communicable skin disease, shall be permitted to work in any bake-shop.

Any employer who violates any of these provisions, or who refuses admittance to the inspector, or neglects to comply with any of his lawful requirements, shall for the first offence be liable to a penalty of not less than \$20, nor more than \$50; and for a second offence not less than \$50, nor more than \$100, besides costs; and in default of payment to imprisonment for not less than thirty days, nor more than six months; and for a third and subsequent offence, to imprisonment for not less than six months nor more than one year, with hard labor, at the discretion of the magistrate.

551. Closing of Shops. Councils of a city, town or incorporated village, may pass a by-law requiring that during the whole or a part of any year, all or any class of shops within the municipality shall be closed and remain closed on each or any day of the week, during any time or hours, between seven o'clock at night and five o'clock a.m. of the next day.

If three-fourths of the occupiers of any class of shops within the municipality petition the Council to pass such by-law, the Council shall, within one month after receipt of such application, pass a by-law giving effect to such application and requiring all shops of such class to close during the time fixed in the by-law. Such application may be delivered to the Clerk.

The by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof.

The Council cannot repeal such by-law unless it is made to appear that more than one-third the occupiers of shops thus affected are opposed to the continuance of the by-law.

In shops where more than two classes of trades are carried on, and

either class comes within the by-law, such shops shall close at the time named in the by-law.

Exceptions are made as to sales by druggists, and also to other dealers in sales to lodgers on the premises, or in any case of emergency, as of sickness or the sailing of a vessel, or other cases of necessity.

Township councils may pass such by-law to apply exclusively to an unincorporated village therein, and may vary such by-laws for different unincorporated villages within the same township, if it is deemed desirable.

If agents, clerks or servants of any occupier commit an offence against the by-law, such agent alone is liable for the penalty, if the occupier proves that he had used due diligence to enforce the provisions of the by-law, and that the offence was committed without his knowledge or consent.

LOCAL IMPROVEMENTS.

The councils of townships, cities, towns and villages may pass by-laws for the following purposes :

552. Property Benefited. For determining what real property will be immediately benefited by any proposed work, the expense of which is proposed to be assessed upon the real property benefited thereby, and determining the proportions of the cost thereof to be assessed to the various portions of real estate so benefited.

A general by-law for determining the property to be benefited by local improvements is sufficient, and not necessary to pass a special by-law in each particular case.

There is a right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County Judge.

553. Local Improvement Works—the cost of which is to be provided for by means of a special rate on the real estate benefited—include: Deepening any stream, creek or watercourse, and draining any locality; or the cost of making, enlarging or prolonging any common sewer; or opening, widening, prolonging or altering, macadamizing, grading, paving or planking any street, lane, alley or public place; or constructing any sidewalk, bridge, culvert, curbing, or sodding any street, square or public place. In municipalities having a system of water works, for the extension of the branch mains and pipes, and all other works necessary for connecting the property of property owners with the system; also for extending the system of lighting for the municipality.

554. Construction of Sewers. In the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost shall be provided for by the Council.

555. Local Improvement as to Streams. If the contemplated work relates to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor, such improvements

will specially benefit any lands or roads in the municipality, or any road in a neighboring municipality, he shall charge such lands or roads to be benefited, and the other municipality, person or company whose lands or roads are improved, with such proportion of the costs of the improvement as he may deem just, and the amount so charged or awarded by arbitration shall be paid by such individuals or municipal corporation as the case may be.

556. Frontage Assessment. The special rate so to be assessed shall be an annual rate according to the frontage of the real property to be benefited by the improvement.

If the first assessment is not sufficient the Council shall make a second, or other additional assessment until sufficient moneys are realized to pay the cost. If too much is levied the excess shall be returned, ratably, to those who paid the same.

In case of townships where the local improvement takes place within five miles of a city of 50,000 inhabitants or over, if the Council deems that certain property that does not abut on the street or other place where the local improvement is made is specially benefited and ought to be charged with a part of the cost, the Council may, upon a petition of three-fourths in number of the owners representing three-fourths in value of the lands to be benefited, levy by frontage rate in like manner upon such lands, as though they did abut upon such street or public way wherein the improvement is made.

The Council may, however, instead of levying by a frontage rate, provide, by by-law, to assess such lands according to the proportion of benefit received therefrom.

This section does not apply to any work of ordinary repair or maintenance, and all works constructed under this section shall be kept in a good state of repair at the expense of the whole municipality.

557. Petition for Local Improvements. Upon petition, praying for a local improvement, signed by at least two-thirds in numbers of the owners of any real property to be benefited thereby, according to the last revised Assessment Roll, and representing at least one-half in value of such real property, the Council may take the necessary proceedings for executing the work with as little delay as possible.

In case a lessee has covenanted to pay all the municipal taxes during the term of his lease, and the duration of the proposed assessment would not extend beyond the term of such lease, then such lessee is deemed to be an "owner" under this Act.

558. Drains for Sanitary Purposes. If a Council, upon the recommendation of the Local Board of Health, affirm by a two-thirds vote of all the members of the Council at any regular meeting, that it is in the public interest to construct, enlarge or prolong a sewer or drain, to drain a particular locality for sanitary purposes, it shall not be necessary for the Council to give notice of the proposed assessment except the sitting of the Court of Revision for the purpose of hearing complaints against the proposed assessment.

559. Council may Initiate Local Improvements, and levy for the cost thereof upon the properties benefited thereby, unless a majority of the owners of such real property, representing at least one-half in value thereof, petition the Council against the same within one month after the last publication of a notice of the intension of the Council to undertake the said work, such notice to be inserted once in each week for two weeks in at least two newspapers published in the municipality, if there are two; and if not, then in a newspaper published nearest to the proposed work.

Such work successfully petitioned against shall not be undertaken again by the Council within two years.

If a work of local improvement is not petitioned against by a sufficient number of property owners, the Council may undertake it during that or the succeeding year, and shall complete the same before making the assessment.

Owners of real property whose names are not on the last revised Assessment Roll may sign the petition for or against the local improvement work, by satisfying the Clerk of the Municipality, by statutory declaration or otherwise, that he is the owner of the property instead of the person whose name is on such Assessment Roll.

560. By-Law Forms. It is optional with the Council whether to use the short form of local improvement by-laws provided by statute or the full form.

561. Notices in Lieu of Advertisement. 1. Notices either written or printed, or partly of both, of the sitting of the Court of Revision for the confirmation of such special assessments may be given to the owners and lessees having the right to petition, in lieu of the advertisement in the newspapers previously mentioned.

2. Such notice shall contain a description of the property in respect to which it is given, the nature of the proposed improvement, total cost, amount of assessment on the particular piece of property, time and manner of payment, and signed by the Clerk, assessment commissioner or other officer appointed by the Council for the purpose, and shall, at least fifteen days before the time appointed for the Court of Revision, be mailed to the address of the persons entitled to receive them.

Ten days' notice of the time and place of meeting of the Court of Revision shall be given in some newspaper having a general circulation, which shall specify generally what such assessment is for and the total amount to be levied.

562. What Notice Required. When notice of the intention of the Council to undertake a local improvement work under the provisions of their general by-law, which provides that the special rate to be levied shall be an annual rate, according to frontage, upon the real property abutting upon such street or place wherein the work is to be done, a general description is sufficient, stating the points between which it is to be made.

In such case the Council shall, by a measurement of the frontages

liable for assessment and of those exempt from assessment, for the cost thereof, and at least ten days before its final decision to undertake the said work, keep a statement of the same open for inspection in the office of the Clerk. The Council shall also cause to be inserted once a week for two consecutive weeks in a public newspaper published within the municipality or in the county town, the following notice:

"Take Notice, that the Municipal Council of the Corporation of the _____ intends to (describing the work) on _____ street, between (name the points between which the work is to be done), and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised Assessment Roll, is now filed in the office of the Clerk of the Municipality, and is open for inspection during office hours.

"The estimated cost of the work is \$ _____, of which \$ _____ is to be provided out of the general funds of the municipality.

"A Court of Revision will be held on _____ at _____ for the purpose of hearing complaints against the proposed assessment, or accuracy of the frontage measurements, or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court.

"Dated,

"Clerk."

There is a right of appeal from the assessment to the Court of Revision, and from the Court of Revision to the County Judge.

In towns and cities the Judge, without an appeal, may determine what other lands will be benefited by such improvement and may add such lands to be assessed; but not until notice has been given the owners of such property of the time and place when the matter will be considered, and for that reason he may adjourn the hearing from time to time.

If the by-law has specially provided for ascertaining and determining what real property is immediately benefited by such work, the Judge shall then not have power to interfere with the statement, if the assessment is made in accordance with the by-law, unless

Upon the evidence he finds that they have been incorrectly measured, or that other lands than those fronting upon the street are alleged to be benefited and are brought into the scheme, or that the assessment upon corner lots, or irregular lots at intersections of streets, has to be modified, or that in his judgment the share to be borne by the municipality should be changed, or that certain property, from its location, cannot be benefited by said work.

563. Power to Borrow funds for the cost of local improvements from a bank, by temporary loans, until the work is completed and the proper assessment levied, and then to issue debentures to pay the temporary loans is given to all municipalities.

564. Cost of Sewers. Where, in order to afford an outlet for the sewerage and drainage of real property not fronting on the street in which the sewer is constructed, such sewer is constructed with a larger capacity than it otherwise would need to have, the Council may impose a special assessment upon any other real property benefited by such larger sewer.

565. Cost of Pavements. When the Council is about to construct, remove or alter the character of a pavement on any street or public place, as a local improvement, it may put in all necessary private drain connections from any existing sewer on such street, and all necessary water mains, alteration of service pipes, stop-cocks thereby necessitated, and assess the cost thereof against the property benefited thereby, as part of the cost of the said local improvement.

566. Assessment of Corner Lots. The Council may provide an equitable mode of assessing corner lots, triangular or other irregular-shaped lots, at junctions of streets, and may charge the amount of any allowance made on such lots on the other real property fronting on the street, or may assume the same as a portion of the municipality's share of the improvements. There are the usual appeals from such assessment.

567. Lands Unequally Benefited. Where lands on either side of a street, in the opinion of the Council, are unfit for building purposes, they may assess such property for local improvements at a lower rate than others fronting on said street. The Council shall, in all cases, determine in what proportion the cost of such improvements shall be borne by the lands on each side of said streets, respectively.

568. Assessment for Boulevards. Real property adjoining or fronting on any park, square, or boulevard, shall be specially assessable for improvements respecting such places in same manner as real property fronting on streets, but only to the extent that such lands are benefited by such improvements.

Where lands on one side of a drive or boulevard are a park or square, or for other reasons are exempt from taxation, at least one-half of the cost of such improvements shall be borne by the municipality generally.

No petition shall avail to prevent the carrying out of any local improvement work or service in any such park, square, drive or boulevard, and the making of special assessments therefor.

569. Assessment of Property not fronting on streets or highways on which improvements are made, as extension of sewers, sidewalks, paving, or construction of bridges, is provided for in the Local Improvement Act, and the Council may assess all such property as to them seems equitable for their share of the cost, relatively to the benefit such lands derive from the works, and in case of townships such lands may be assessed by a special rate instead of by a frontage tax.

570. Purchase of Works. In townships where owners of real property have constructed works which might have been constructed by the municipality as local improvements, the Council may, upon petition of

three-fourths of the owners of the lands to be benefited by the acquisition of such works, representing at least two-thirds in value thereof, purchase the same at a price fixed by arbitration, and raise the purchase money by assessment upon the real property benefited thereby.

571. Paying Half the Cost of Bridges. The Council may, by a two-thirds vote thereof, declare that the construction of a certain bridge, culvert or embankment benefits the municipality at large, and would not be equitable to raise the whole cost by local assessment, and the Council may, in such case, pass a by-law for borrowing the money, by the issue of debentures upon the credit of the municipality at large, and pay one-half the cost of such improvements.

Such by-law does not need the assent of the electors.

572. Sidewalks Built by Private Owners. The Council may permit owners of lands to build or improve sidewalks in front of their lands according to the plans and regulations prescribed by the Council, and as long as such walks are kept in the same state of repair as other walks, they shall be exempt from taxes for improvements of like nature.

573. Plank Sidewalks. Councils of cities and towns may, by a two-thirds vote of members present at any regular meeting, deciding it to be in the public interest, lay down a plank sidewalk without petition or notice, and assess the properties abutting thereon for the cost of the same.

574. Granolithic Sidewalks. Councils of cities and towns which have not adopted the local improvement system for sidewalks, may pass a by-law to advance from the general funds or borrow on debentures forty per cent. of the cost for the construction of granolithic, stone, asphalt or brick sidewalks upon the leading streets of the municipality, in addition to the part of the cost to be provided by the municipality, and issue debentures for such total amounts. The assent of the electors to such by-law is not necessary, but it must be passed by a three-fourths vote of the members of the Council.

The remaining part of the cost will be levied upon the property benefited.

575. Street Intersections. The Council may also by by-law provide that the cost of local improvements opposite street intersections, or exempt properties, may be charged on general rates or taxes for the year. Such by-law need not be submitted to the electors for approval.

576. Exemptions from General Rates. Any real property assessed for a local improvement work shall be exempt by the Council from a general rate for the same purpose, except for the cost of works at street intersections, and to meet the cost of works opposite property which is exempt from such special assessment.

Exemptions may be allowed for a specified period petitioned for by two-thirds in number of the owners of property abutting on streets having the local improvement work done, and agreed to by the Council, or the time may be fixed by a sole arbitrator which shall be named by the County Judge in case the Council and the petitioners cannot agree. When owners

are exempt as here mentioned the Council is required from year to year to state what portion of the general rate is for such purposes for which there is such special rate. Unless a by-law is passed containing such a statement, none of the funds raised by a general rate on real property specially assessed for any improvement shall be applied to any work of the same character.

577. Covenants Against Encumbrances. The costs of local improvements being charged against real property, shall not be deemed a breach of covenant by a vendor or person agreeing to sell, that he has done no act to encumber the real property, except to the extent that the annual or other payments in respect to such charge are in arrear and unpaid.

578. Adoption of Local Improvement System. 1. The Council of any township, city, town or village may, by a by-law passed with the assent of the electors, provide that all future improvements of the nature of local improvement works may be by local assessment on the property benefited, and not exempted by law.

Such by-law cannot be repealed without the consent of the electors.

2. Such by-law shall not be repealed without the assent of the electors, and in case of such repeal the provisions of the Act respecting the freedom from general rates of property subject to a special rate shall apply to all property which has been specially rated while the repealed by-law was in force. The time when the exemption is to cease shall be determined by arbitration, the arbitrator to be appointed by the County Judge on the application of the Council.

579. Sweeping, Lighting and Watering Streets. The Council of a township, city, town or village may pass by-laws for raising, upon petition of two-thirds of the resident freeholders and householders on any resident street, square or alley, representing in value one-half the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting such street, road, square or lane by means of a special rate on the real property therein, according to frontage thereof, or according to the assessed value thereof, if so adopted by a three-fourths vote of the full Council. But the Council may charge the general Corporate Funds with the expenditure incurred in such sweeping, watering or lighting.

After such by-law has been passed in the manner aforesaid, the Council may pass a by-law dividing the municipality into areas or sections within which the streets may be maintained, repaired, cleaned, swept, lighted, watered, grass cut and trees trimmed, and dirt, snow and ice removed from sidewalk, and to impose a special rate upon the real property benefited according to frontage, in order to pay the expenses incurred.

Church exemptions do not hold against assessments for local improvements, but such property is assessable same as other real estate.

The grounds and buildings of universities and colleges are also liable for assessment for local improvements. This does not apply to such schools as are maintained in whole or in part by legislative grant or a school tax.

580. Corporations Share of Local Improvement Debts. The Council may pass all by-laws from time to time to raise loans and borrow money required for its share of any local improvements. It is not necessary to obtain the assent of the electors for the passing of such by-law, provided always that the general debt of the municipality shall not be extended thereby beyond the limits fixed by the statute.

The Act provides that debentures issued under local improvement by-laws do not form part of the general debt of the municipality, and need not be recited in any by-law for borrowing money on the credit of the municipality; but that it shall be sufficient to state that the general debt is exclusive of local improvement debts secured by special rates.

581. Abandoned Toll Roads. Councils of townships, on the petition of two-thirds in number of the owners whose names appear on the last revised Assessment Roll, and as representing one-half in value of the property to be assessed, may pass by-laws providing for the maintenance and repair of an abandoned toll road in the municipality, and declare what proportion of the cost shall be borne by the property immediately benefited by the work, and what proportion shall be borne by the general funds of the township.

582. Township Roads and Local Improvement. In case *all the owners* of the property or lots abutting on any road, street or highway in any part of a township petition the Council to macadamize, gravel, plank or otherwise improve and to drain the same, or to build a bridge in connection therewith, the Council may procure an engineer or an Ontario land surveyor, to make an examination, and to report thereon, giving the respective lands to be benefited thereby, and the proportion of benefit to be derived therefrom by every such lot, or company, or municipality; and the Council, if of the opinion that such work would be desirable, may pass by-laws providing for the same, and issue debentures to cover the cost in sums of not less than \$100 each, and payable within twenty years from date, with interest at a rate of not less than four per cent.

583. Counties and Local Improvements. The County Council may pass by-laws for levying by assessment on all the ratable property within any particular part of the township, or parts of two townships, to be defined by metes and bounds, to defray the expenses for making, repairing or improving a road or bridge or other public work (not within the limits of a town or village) providing two-thirds of the electors rated upon the last revised Assessment Roll for at least one-half of the value of the property to be affected thereby petition for such work.

A printed notice of such petition, with the names of the signers thereto, giving the limits within which the by-law is to have force, must be posted up for at least one month in four different places within such parts of the township, and at the places for holding the sittings of the councils of each township, and also be inserted weekly for three consecutive weeks in some newspaper published in the county town, if there is no such paper then in two newspapers published nearest to the proposed work.

The County Council may also pass by-laws for assuming or acquiring any road, bridge or other public work within one or more townships, and levy a special rate on the municipalities immediately benefited thereby for the improvement thereof.

The by-law shall state the amount to be raised for the work, the townships to be affected, and the amount of work to be done in each municipality, and provide for the issue of debentures for the same payable in twenty years, or by equal annual instalments of principal and interest, and for levying a special rate sufficient for paying the debentures and interest.

If the by-law is approved by a majority of the county councillors representing the municipalities defined in the by-law, it shall then be submitted to the vote of the qualified ratepayers who are entitled to vote on money by-laws in such townships as are affected.

In case the by-law is carried, still if any one or more of the townships give a majority against the by-law it shall only apply to such townships as give a majority in favor of the by-law. The amount of money to be raised for such purpose will, in that case, be correspondingly reduced.

The by-law thus carried in some municipalities and defeated in others, the County Council may either read it a third time and pass it, or may drop it altogether.

584. Cities and Towns separated from the county may, with the approval of the ratepayers entitled to vote on money by-laws, pass similar by-laws to the preceding section, to aid in the purchase of any toll roads in which they are interested, or for abolishing their market fees on condition that certain toll roads named therein are made free.

585. Aiding Street Railways. Councils of every municipality may pass by-laws for aiding railway companies:

1. By taking stock, or by guaranteeing payment of any money borrowed by a railway company.
2. For guaranteeing the payment of debentures of such company.
3. For levying from time to time a sufficient sum to discharge the obligations in the two preceding sub-sections.
4. For issuing debentures, payable at such times and for such sums, not less than \$20, with or without interest, as the Council thinks best to meet the obligations thus incurred.
5. For granting bonuses in aid of any railway, and issuing debentures for same.

But no Council shall subscribe for stock or incur any debt for the aforesaid purposes unless the by-law, before its final passing, receives the assent of the electors.

In case a municipality subscribes for and holds stock in a railway company to the amount of \$20,000 and upwards the head of the Council shall be *ex officio* one of the directors of said company, in addition to the number of directors authorized by the special Act, and possess same powers as other directors.

Any portion of a township may grant aid to a railway by way of bonus or loan, providing a by-law has been passed for that purpose which

has been adopted by the qualified ratepayers of that portion of the township.

Before such by-law is submitted to the vote of the ratepayers, a petition shall be presented to the Council for the same, and stating for what amount, and defining by metes and bounds, or lots and concessions, the portions of the township to be charged, and shall be signed by fifty or a majority of the freeholders resident in such portion, being duly qualified voters.

The by-law must provide for raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and for levying upon all the ratable property in such portion of the municipality an annual special rate sufficient to include a sinking fund for the payment of the debentures within twenty years with interest, payable yearly or half-yearly.

Councils of townships may pass by-laws permitting companies or individuals to construct branch lines of railways or tramways along any highway on such terms as the Council sees fit.

586. Aiding Iron And Smelting Works. The Council of every municipality within the districts of Algoma, Manitoulin, Thunder Bay, Rainy River and Nipissing, and also the Council of every city, may pass by-laws for aiding by way of bonus for the promotion of iron or other smelting works established within or adjacent to the municipality, by granting such sums of money as the council may determine upon, and under such restrictions as the Council may deem expedient.

Such by-laws must have the assent of one-third of all the ratepayers entitled to vote on by-laws creating debts, as well as the assent of the majority of the ratepayers voting thereon. The issue of the debentures may be postponed until the conditions of the by-law are complied with.

Persons interested in or holding stock in such railway are disqualified from voting on the bonus by-law.

The municipality may acquire lands for smelting works and convey the same to any person or corporation by consent of the ratepayers.

587. Grain Elevators. Councils of all municipalities may grant aid by way of bonus to promote the establishment of grain elevators in similar manner as for iron and smelting works, mentioned in preceding section.

HIGHWAYS AND BRIDGES.

588. Railway Crossings. 1. Where a railroad crosses a highway, if it is not carried over by a bridge or under by a tunnel, the rail itself shall not rise above or sink below the surface of the highway more than one inch.

2. The ascent of all bridges erected to carry a highway over a railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway, and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

589. Electric Cars on Highways. No Council of any municipality, except cities, towns and incorporated villages, can grant to any company the use of any highway for the purpose of running any kind of an electric car or carriage without the written consent first being obtained of the owners of one-half the property fronting on such street or highway, unless upon petition to the Commissioner of Public Works, he dispenses with the necessity of such consent being obtained, such being in his opinion for the public interest.

590. Traction Engines and Bridges. 1. Before it shall be lawful to run a traction engine over any highway (where no tolls are levied) the person running the same is required at his own expense to strengthen all bridges and culverts to be crossed by such engine, and keep the same in repair so long as the highway is so used.

If there are different engines owned by different persons using such bridges or culverts, the expense shall be borne by the various owners in proportion to the number of engines owned, respectively.

2. In regard to toll roads, the owners of such engines are required to notify the owner of such toll road two months previous to the running of such engine to strengthen the bridges.

The owners of such toll road may levy such tolls for the passage of any engine through every lawful gate as seems to them just, and if the owner of the engine is dissatisfied with the rate of toll, the same may be settled by arbitrators, one of whom to be appointed by the owner of the engine and one by the proprietors of the road, and the two so appointed shall choose a third. The decision of the majority shall be binding.

3. Any person violating the provisions of this Act is liable on conviction, upon the oath of one reliable witness before a justice of the peace, to a penalty not less than \$5 nor more than \$25, the costs to be in the discretion of the Justice. In default of payment, and failure of distress, then to imprisonment for a term not less than one day nor more than twenty.

Fine or imprisonment would not bar a claim for damages by the injured party.

591. What are Highways. All allowances made for roads by the Crown surveyors, and all roads laid out by any statute, or any roads whereon public money has been expended for opening the same, or whereon statute labor has been usually performed, or any roads passing through the Indian lands shall be deemed common and public highways, unless altered according to law.

Lands dedicated by any owner thereof for a street or public highway are not subject to any dower by the wife of said owner.

592. Villages Assuming County Bridges. The councils of counties and villages may pass by-laws for carrying out an arrangement by which the villages may assume a bridge within its limits under the jurisdiction of the County Council, and for such bridge to be free from toll, and for payment to the county of such sum as may be agreed upon as part of the cost of construction.

593. Approaches to Bridges. The approaches for one hundred feet to each end of all bridges assumed by or under the jurisdiction of any municipality shall be kept up by such municipality, and the remaining portions of such approaches to be kept up and maintained by the municipality in which they are situate.

594. Liability for Damages. 1. Every public road, street or bridge shall be kept in repair by the municipality responsible for the same, and in default, the corporation, besides the ordinary penalties provided by law, shall also be civilly liable for all damages sustained by any person by reason of such default. The action must be brought within three months after the damages were sustained.

2. No municipality shall be liable for accidents caused by persons falling owing to snow or ice upon the sidewalks, except in cases of gross negligence by the corporation.

3. No action to enforce a claim for damages under this section shall be brought unless notice in writing of the accident, and the cause thereof, has been served upon or mailed through the Post-office to the mayor, reeve or other head of the corporation, or to the Clerk of the Municipality, within thirty days after the accident occurred, where the action is against a township, and within seven days where the action is against a city, town or village.

In case of death the want of notice would be no bar to the action.

This section does not apply to any street, bridge or road laid out by any private person, unless it had been assumed for public use by the corporation.

595. Corporation Only Liable. In case where an action may be brought against a municipal corporation by any person for damages caused by default of a municipality to keep any public road, street or bridge in repair, the action must be against the corporation, and not against any member of the Council, officer or employee personally.

This does not include a person who is a mere contractor with the corporation, and whose negligence may have caused the damage.

596. County Roads and Bridges. The County Council has exclusive jurisdiction:

1. Over all roads and bridges lying wholly within any township, town, or village in the county which the Council, by by-law, assumes, with the consent of such other municipality, as a county road or bridge.

2. Over all bridges across streams, rivers, ponds or lakes separating two townships in the county.

3. Over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county.

4. Over all bridges over rivers, streams, ponds or lakes, forming or crossing boundary lines between two local municipalities in the county.

597. Maintaining County Roads and Bridges. 1. For all the roads and bridges enumerated in the previous section, over which the County Council has jurisdiction, the Council is required, with as little

delay as reasonably may be, to make, repair and maintain the same at the expense of the county.

2. The County Council may assume, make and maintain any township or county boundary line at the expense of the county, or may from time to time grant such sums in aid of the said purposes as they deem expedient.

3. In case of a bridge over a stream forming or crossing the boundary line between two or more counties, or a county, city or separated town, such bridge shall be erected and maintained by the councils of the county, city and separated town, respectively, as may be agreed upon, and in case of failure to agree as to the respective portions of the expense to be borne by each it shall be settled by arbitration.

4. A road which lies wholly or partially between two municipalities shall be regarded as a boundary line, although such road may deviate so that in some places it may be wholly within one of the municipalities, and a bridge built over any stream crossing such road where it deviates shall still be held to be a bridge over a stream crossing a boundary line, within the meaning of this and the previous section.

5. The Council of any county may pass a by-law providing that the roads, rivers, streams, ponds or lakes, referred to in this and the previous sections as forming part of or crossing the boundary line between two municipalities within the county shall mean such as are not less than eighty feet in width.

In the event of the County Council passing such a by-law as this, then the councils of the local municipalities bordering on such boundary lines shall erect and maintain bridges over all such streams as are less than eighty feet in width.

598. Disputes Between County Council and the Council of any other municipality as to whether the duty and liability to build and maintain a bridge over any "river, stream, lake or pond" rests upon such County Council or such other Council arising, either party may bring an action in the High Court of Justice against the other to try the question in dispute, or the High Court may, upon the application of either party, compel, by *mandamus*, the performance of such duty by the party upon whom it rests.

599. Driftwood. Where a river or stream forms the boundary line between two or more municipalities within the county, it is the duty of the County Council to keep such stream free from driftwood or fallen timber.

If the river or stream forms the boundary line between two or more counties, or a county, city or separated town, it shall then devolve upon the councils of the counties or a county, city or separated town, respectively, to keep such stream free, and in case of disagreement as to respective shares of the expense, the matter must be settled by arbitration.

600. Township Roads. All township boundary lines not assumed by the County Council shall be opened, maintained and improved by the township councils, except such bridges, as previously mentioned, coming under the jurisdiction of the County Council.

601. New Road Allowance. In case of a township boundary line on which a road allowance has not been reserved in the original survey, the Council of any one of the municipalities bordering on such boundary line may pass a by-law for acquiring the land necessary for one-half of the required road allowance.

Within four days after the passing of the by-law, the Clerk shall send a copy of the by-law, by registered letter, to the Clerk of the adjoining municipality.

602. Both Councils Must Concur. In case the other Council or councils for six months after notice of the by-law mentioned in previous section omits to pass a by-law in similar terms, the duty and liabilities of each municipality shall be referred to arbitration.

The arbitrators may decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance, which shall be borne by each municipality; and shall also have power to decide whether a road allowance shall be laid out or not.

If the arbitrators decide against the laying out of said road allowance, then no further proceedings shall be taken for a period of two years, or such further time as the arbitrators may determine upon, but not exceeding in all four years.

603. Township Boundary Lines. Township boundary lines which are also county boundary lines, but which have not been assumed or maintained by the respective counties, are to be maintained by the respective townships bordering on the same, except such bridges as the county councils are required under the provisions of this Act to maintain.

604. Joint Jurisdiction. In case a road lies wholly or partly between a county, city, town, township or village, and an adjoining county or counties, city, town, township or village, the councils of the various municipalities between which the road lies have joint jurisdiction over the same, although the road may so deviate as to be in some places wholly within either of them. The term "road" here shall not include a bridge on such boundary line which the County Council is required to maintain.

No by-law of the Council of any one of such municipalities passed in respect to such road or bridge shall have any force until a by-law has been passed in similar terms as nearly as may be by the other councils having joint jurisdiction.

In case the other Council or councils for six months after notice of the by-law omit to pass a by-law in similar terms the duties and liabilities of each municipality interested shall be referred to arbitration.

605. Maintenance Alternately. The councils of adjoining townships may enter into an agreement for the maintenance of a boundary line road between such townships, whereby each township undertakes for a term, not exceeding ten years, to keep in repair any portion of such road for its whole width and to save harmless the other township from any loss or damage arising from want of repair of such portion.

Any such agreement, when confirmed by by-law of the Council of each of the contracting townships, shall be registered in the registry office of the registry district in which municipalities are situate.

For the purposes of registration a duplicate original of the by-law shall be made out, certified under the hand of the Clerk and the seal of the municipality and registered without delay.

Such agreement after registration of the by-law binds each of the municipalities, gives them sole jurisdiction over that portion of the road, and renders them liable for all damages incurred by reason of neglect to keep in repair, and relieves the other municipality from liability in respect to such portion of the road.

606. Roads Vested in Her Majesty. No Council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board. But at any time, if the Lieutenant-Governor in Council, by proclamation, declares that such public road or bridge is no longer under the control of the commissioner, and then after the day named in the proclamation no tolls shall thereafter be levied by him thereon, and the road or bridge shall thereafter be controlled and kept in repair by the Council of the municipality whose duty it is to repair the same.

607. Ordnance Roads. Without the consent of the Dominion Government no Council shall pass a by-law:

(1) For stopping up or altering the direction of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada, or the Consolidated Statutes of Canada, or by the Dominion of Canada; or,

(2) For opening any communication through any lands held by the Dominion of Canada; or,

(3) Interfering with any bridge, wharf, dock, quay, or other work vested in the Dominion of Canada; or,

(4) Interfering with any land held for military purposes, or with the integrity of the public defences.

Any by-law for any of the purposes aforesaid shall be null and void unless it recites such consent.

608. Roads for Ingress and Egress. No Council shall close up any public road whether an original allowance, or one opened by the Quarter Sessions, or by a Council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the Council, in addition to compensation, also provides for the use of such person some other convenient road to said lands or residence.

If the amount of compensation offered, or the road provided in lieu of the one to be closed up is not mutually agreed upon between the Council and such owner the matter in dispute shall be referred to arbitration.

609. Width of Roads. No Council, except that of a city or town, shall lay out any road or street more than 100 feet nor less than 66 feet in width, unless with the permission of the County Council; but any road when altered may be of the same width as before.

No street or road shall be laid out by any owner of land of a less

width than 66 feet without the consent of the Council of the municipality by a three-fourths vote of the members thereof.

610. By-Laws for Width of Streets. The Council of a city having a population of 50,000 or over, may pass a general by-law prescribing the minimum width of streets, lanes or alleys within the municipality, wherein dwelling-houses may be erected or occupied, and also the minimum area of vacant land attached to any dwelling-house thereafter to be erected.

Every such by-law, before its final passing, must be published in full twice in each week for four consecutive weeks in two newspapers published within the city, giving the date when the Council will take into consideration the proposed by-law.

611. By-Laws Affecting Public Roads. No Council shall pass a by-law for closing, altering, widening, leasing or selling any original allowance for road or any other public highway, street, or lane:

1. Until written or printed notices of the intended by-law has been posted up for one month in six of the most public places in the immediate neighborhood of such road or street.

2. And published weekly at least for four consecutive weeks in some newspaper published in the municipality; or if none published therein, then in a neighboring municipality; or if none there, then in the county town.

3. Nor until the Council has heard in person, or by counsel, any one whose land might be prejudicially affected thereby, and who petitions to be so heard.

4. If it is a road allowance reserved under original surveys along the bank of any river or stream, or the shore of a lake, such by-law shall have no effect until after its approval by the Lieutenant-Governor in Council.

The Clerk is required to give such notices as previously enumerated at the request of the applicant for the by-law, and upon payment of the reasonable expenses attendant on such notices.

In case of establishing a public road, if the owner of the land to be taken and the Council of the township or village can mutually agree as to the price of such land the Council may accept a deed or deeds for the same, which shall be registered, and in such case it is not necessary to publish the by-law.

612. Registration of Road By-Laws. Every by-law passed by a municipal council, by which any highway or street is opened upon any private property shall, before the same becomes effectual in law, be duly registered in the Registry Office for the division in which the land is situate. For registration a duplicate original of the by-law, certified under the hand of the Clerk and the seal of the municipality, and shall be registered without any further proof.

613. Mistakes in Opening Road Allowances. In case a municipality, in whose jurisdiction an original allowance for a road is situate, opens what they believe to be the true line and their officers and servants in charge, acting in good faith and having taken all reasonable means to inform themselves, and it ultimately appears that the road opened is not altogether upon the true line, no action shall be brought by any person against the municipality.

The municipality shall, however, in opening an original road make reasonable compensation to persons having title or interest in the same.

Claims for such compensation must be made within one year from the time of the laying out or taking possession by the municipality or its officers of such road, or such part thereof as compensation is claimed for.

614. Bicyclists' Guide Posts. The sign-posts which the Canadian Wheelmen's Association may erect along the highways for the benefit of bicyclists and other travellers, to show distances, and as danger signals at hills unsafe for bicyclists, shall not be placed so as to obstruct the highway or endanger the safety of any person travelling thereon; neither must there be any advertisements or notices placed thereon except the names of places, distances, and the danger signals previously mentioned. Penalty for violating these provisions is \$5 for every offence, to be recovered before a justice of the peace.

615. General Powers. 1. The Council of every municipality may pass by-laws for the opening or stopping up of roads and streets; for entering upon and using land for said purposes; for setting apart carriage ways, boulevards and sidewalks; for preventing and removing obstructions from highways, and permitting the erection of bridges or subways for passage of cattle.

2. The councils of cities, towns and villages may pass by-laws for setting apart certain portions of streets for boulevards, for regulating the construction of the same; for permitting owners of property to construct the same at their own expense, but in such way as not to impede public travel, and for regulating those already constructed on any street, and for protection of all boulevards on the public streets.

616. Openings in Sidewalks. Councils may permit areas or openings to be constructed in or under the sidewalks and streets, make annual charges for use of such privileges, and enforce collection of same as the ordinary taxes.

617. Bicycle Paths. The councils of all municipalities may pass by-laws for setting apart certain portions of any street or highway for the purposes of a bicycle path, and any person riding or driving any horse or vehicle over or along such path is liable to fine.

618. Tolls. The Council of any municipality may pass by-laws for raising money by toll on any bridge or road to defray the expense of making and repairing the same.

They may also grant to any other person, in consideration of plank-ing, gravelling, or macadamizing a road, or building a bridge, a similar privilege for a term not exceeding twenty-one years from the completion of the work, and after such completion has been declared by a by-law of the Council authorizing tolls to be collected.

And for granting special privileges to road and bridge companies, permitting them to take toll, and providing for a proper examination of their work by the Council.

619. Exemption from Tolls. 1. Officers and men of the volunteers, when in uniform, and their horses shall be exempt from the payment of any toll in passing tollgate or bridge in this province.

2. Persons going to or returning from divine service, on Sunday or statutory holiday, with their carriages and horses, families and servants, shall pass toll-free through any tollgate through which they may have occasion to pass, whether such road belongs to the Province, the municipality, or a company.

3. Vehicles, horses and cattle belonging to the proprietor or occupier of any lands divided by a toll road are exempt when passing from one part of the farm to another, for domestic purposes only, providing they do not go more than one-half mile along such road either in going or coming.

4. All vehicles and horses drawing the same, laden solely with manure, passing from a city or town into the county parts within twenty miles, for the purposes of agriculture, are exempt from tolls, both in going from and in returning to, if empty. This does not apply to tolls on a bridge, unless the tolls are vested in the Crown.

620. Gravel Beds. The Council of any municipality may purchase and hold for its own use, or jointly with other municipalities, stone quarries and gravel beds for the purposes of constructing and repairing the streets and highways of such municipality or municipalities, and for selling the same when no longer required.

The right to enter upon such lands, as well as the price to be paid for the same, if not mutually agreed upon by the parties concerned, shall be settled by arbitration.

621. Selling Road Allowances. In selling the original road allowance where another road has been opened up in lieu thereof, for which compensation has been paid, or in selling any other road legally stopped up or altered to the owners of the adjoining land, if such owners refuse to purchase at the price the Council deemed reasonable, the Council may then sell to any other person for the same or greater price.

622. Repair of Township Roads. 1. Where township councils fail by mutual agreement as to the share to be borne by each to maintain township boundary lines, not assumed by the County Council, in the same way as other township roads, one or more of such townships may apply to the County Council to enforce joint action on all the townships interested.

2. In case none of the township councils interested move in the matter, it is competent for a majority of the ratepayers resident on the lots bordering on either side of such to petition the County Council to enforce the opening or repair of such roads.

3. The County Council receiving such petition, either from the ratepayers or a Township Council, may act upon it at such meeting as it is presented, and determine the amount which each of the said townships shall apply for the opening or repair of such road, or the expenditure of a certain amount of statute labor upon the same, or both, as may seem necessary.

The County Council shall appoint a commissioner to execute or enforce their orders.

If the township councils inform such commissioner that they will execute the work, the commissioner may delay proceedings for a reasonable time. If the township officers do not, during the favorable season, proceed with it, the commissioner shall undertake and finish it.

In case any one in possession of a concession, road or side line has laid out another road in place thereof, without receiving compensation therefor in lieu thereof, and the Council, upon report in writing of its surveyor or of an Ontario land surveyor, that such new road is sufficient for the purpose of a public highway, may convey such original road allowance in fee simple to such person.

623. Possession of Unopened Road Allowances. In case any person is in possession of any part of a Government allowance for a road adjoining his lot and enclosed by a lawful fence, and which has not been opened by reason of another road being used in lieu thereof, such person shall, as against any private person, be deemed to be in possession thereof until a by-law for opening such road has been passed by the Council.

Eight days' notice in writing, before the meeting of Council, must be given such person that an application will be made for opening such road, before such by-law could be passed.

624. Aiding Adjoining Municipalities. The Council of any municipality may pass by-laws for aiding an adjoining municipality in making, opening, widening, or otherwise improving any road, bridge or highway passing from or through such municipality.

The sums determined upon by the County Council, as necessary for the work, shall be paid by the County Treasurer on the orders of the commissioner, and the amount retained out of any moneys in his hands belonging to the respective townships; and if there are not any such moneys belonging to any of the townships in his hands, before striking the next county rate an additional rate shall be levied by the county against such townships.

625. County Boundary Lines. In case the several townships interested in any county boundary line as to their respective shares of money to be paid or work to be done on the same, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall expend in money or work. The County Judge in such case shall be the third arbitrator.

The Warden of the County in which the township first making the application shall, within eight days, convene the meeting to determine the matter, which shall be within twenty-one days from the time of receiving the application.

626. Mineral Rights Under Roads. The councils of any county or township, wherever minerals are found, may sell or lease privately or by public auction the right to take minerals found under any public road under their jurisdiction.

No such sale or lease shall take place until due notice has been given, by posting up in six of the most public places in the immediate neighbor-

hood of such road for at least one month before the time fixed for considering the by-law. The deed of conveyance must protect the road for public travel.

627. County councils have similar power to stop up or sell, open or alter, any road under the sole jurisdiction of the county, and which is not within the limits of any village, town or city, as township councils have over roads under their jurisdiction; also, for aiding local municipalities in opening or improving roads, erecting bridges, where the Council deems the county at large sufficiently interested to justify such assistance, but not enough to justify the Council in assuming the same as a county work. May also guarantee debentures of any local municipality where it is deemed expedient. May also require local municipalities to open, improve, and maintain the whole or a part of a county road within such municipality.

628. Abandoning County Roads. A County Council may abandon or otherwise dispose of a toll or other road wholly in the county or partly in an adjoining county.

1. On the passing of such by-law, the Clerk shall forthwith forward a certified copy thereof to the municipalities which any portion of such abandoned road runs through or along its borders.

2. No such by-law shall take effect until assented to by the municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council.

629. Closing Road Allowances. The councils of townships may pass by-laws for the stopping up, leasing or sale of any original allowances for roads within the municipality, and for declaring therein the terms therefor, but no such by-law shall have any force until passed in accordance with Section 611, nor until confirmed by a by-law of the County Council at any ordinary session, held not sooner than three months nor later than one year after the passing thereof.

630. Trees Obstructing Highways. A Township Council may pass by-laws providing that where a road passes through a wood the trees (except those preserved for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down by the proprietor, within a time fixed by the by-law; and on his default the overseer of highways or other officer in whose division the land lies. In case of the latter doing the work, the trees may be used for the improvement of the highways and bridges of that division, or sold to defray the expenses incurred in carrying the by-law into effect. The Council may grant out of township funds money to pay for cutting down and removing the trees.

631. Statute Labor. 1. Councils of townships may, by by-law, direct that a sum not exceeding \$1 per day shall be paid in commutation of statute labor for the whole or for any part of the township.

2. Any Local Municipal Council may, by by-law, fix the rate at which any person, either resident or non-resident, may commute for statute labor,

at a sum not exceeding \$1 per day. Where no by-law has been passed the statute labor of non-residents in townships shall be commuted at the rate of \$1 for each day's labor.

3. Every farmer's son entered as such on the Assessment Roll, shall, if not otherwise exempt, be liable to statute labor, same as though not so rated.

4. Tenant farmers' sons, *bona fide*, on the farm of his father or mother, are exempt from statute labor.

5. Non-residents who have not required their names to be entered on the roll are not permitted to perform statute labor, but must commute for the same. When such non-residents who have their names on the roll, and who do not perform the labor or pay the commutation for the same, the pathmaster shall return the same to the Clerk as a defaulter before the 15th day of August, and the Clerk will enter the amount on the roll as tax.

6. If any resident makes default in performing the labor or paying the commutation, the pathmaster shall return him as a defaulter before the 15th day of November, and the Clerk will enter the amount on the roll to be collected as tax the following year.

7. In every such case the Clerk shall notify the overseer of highways who may be appointed for such division in the following year, of the amount of such commutation, who shall expend the same upon the roads in said division, who shall give an order upon the treasurer to the person performing the work.

DITCHES AND WATERCOURSES.

Municipalities are required to keep printed copies of all the forms required under this Act.

632. Appointment of Engineer. Every Municipal Council shall, by by-law, appoint an engineer to carry out the provisions of this Act, who shall remain such officer until his appointment is revoked by by-law, of which he shall have notice, and another engineer appointed in his place.

633. Limit of Work. Every ditch constructed under this Act shall be continued to a sufficient outlet, but must not pass through or into more than seven original township lots, unless upon petition of a majority of the owners of the lands to be affected by the ditch the Council passes a resolution to so extend the same.

634. Limit of Cost. No ditch to be constructed under this Act shall, according to the estimate, cost more than \$1,000.

635. Lands Liable for Construction. Lands lying within seventy-five ~~yards~~ ^{feet} from the sides and point of commencement of the ditch are liable for cost of construction. Lands which adjoin a road allowance traversed by the ditch shall not be liable unless they are directly benefited, and then only to the extent of the benefit.

An exception is made in respect to the lands lying east of the County of Frontenac, where the distance is one hundred yards instead of seventy-five.

636. Mode of Proceeding. Any owner of land desiring a ditch to be constructed must file with the Clerk of the Municipality a declaration of ownership, which may be taken before a justice of the peace or the Clerk, then give a written

637. Notice to Other Owners of land who require the ditch, naming a day, and hour and place convenient to the site of the ditch at which all the owners are to meet and estimate the cost, and agree, if possible, upon the apportionment of the work and the supply of material among them according to their respective interests. The notice shall be served not less than twelve clear days before the time named for the meeting.

638. Form of Agreement. If an agreement is arrived at by the owners it shall be reduced to writing and signed by all the owners, and filed with the Clerk of the Municipality within six days after the signing thereof.

If the lands affected lie in two or more municipalities there must be that number of agreements signed, and one filed with the Clerk of each of the municipalities.

Such agreement is binding, and may be enforced in like manner as an award by the engineer.

If the notices required to be given have been complied with no other informality shall render the agreement void.

If, at or before the meeting of owners, it is discovered that the proper notices had not been given, or given in time, the owners present at such meeting may adjourn the same to a subsequent day to allow the necessary notices to be given.

639. Signature of Reeve. The Reeve or other head of the Council shall have to sign the agreement on behalf of the municipality, and his signature shall be binding upon the corporation.

640. Asking for Engineer. 1. In case the owners of the land cannot come to an agreement at the meeting, or within five days thereafter, then the owner requiring the ditch may file with the Clerk a requisition naming therein the several tracts of land to be affected by the ditch and the respective owners thereof, and requesting that the engineer appointed by the municipality be asked to appoint a time and place in the locality of the proposed ditch at which he will attend to make an examination of the same.

2. The Clerk, upon receipt of such requisition, will forthwith send by registered letter a copy of the same to the engineer, who will, upon its receipt, notify the Clerk of the time and place at which he will attend, which shall not be less than ten nor more than sixteen clear days from the time he received the requisition. On receipt of the notice from the engineer the Clerk will send a copy of such notice to the owner making the requisition, who shall, at least four clear days before the time so

appointed, serve upon the other owners a notice, requiring their attendance at the time and place fixed by the engineer, and shall, after serving the same, endorse on one copy thereof the time and manner of service, and leave the same with the engineer, not later than the day before the time fixed by the engineer for his examination.

641. Mode of Serving Notices. Notices may be served personally or left at the place of abode of the owner or occupant with a grown-up person residing there; in case of non-residents, they may be served upon the agent of the owner, or mailed by registered letter to the owner at the Post office nearest to his last-known place of residence, and in case that is not known then in such manner as the Judge may direct.

An occupant being notified, he shall immediately notify the owner or become personally liable for all damages the owner may suffer by such neglect.

642. Examination by Engineer. He shall attend at the time and place appointed by him and examine the locality, examine what witnesses he deems necessary, may adjourn his examination from time to time, and if he finds that the ditch is required, he shall, within thirty days after his first attendance, make his award in writing, specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners and apportioning the maintenance of the ditch among the owners, so that as far as practicable, each owner shall maintain the portion on his own land. He shall also state the amount of his fees and the other charges, and by whom the same shall be paid.

If the ditch is to be covered, he shall also state the kind of material to be used in covering the same.

643. Crossing Land not Benefited. If, in the opinion of the engineer, it is necessary to carry the ditch across land that would not be benefited by the ditch to make the owner liable to perform any part thereof, he may by his award relieve such owner from liability and place its construction on the other owners.

Any person may enter upon such land to carry out the provisions of the award without being deemed a trespasser.

644. Award and Notices. The engineer is required forthwith after making his award to file the same, together with the plans and specifications, with the Clerk, or if the lands affected by the ditch be in more than one municipality, then with the Clerk of each municipality.

The Clerk or clerks shall immediately, upon the filing of the same, notify, either personally or by registered letter, each of the persons affected thereby, the portion of work to be done and material to be furnished by the persons so notified as shown by the award.

The Clerk is required to keep a book showing the names of persons to whom the notices are sent, the address where sent, and date of posting or delivery personally.

645. Affecting Adjoining Municipalities. 1. If the lands affected by the ditch are situate in two or more adjoining municipalities the engineer of the municipality in which proceedings were commenced has full authority to continue the ditch into such municipality as far as necessary.

2. Where the lands or roads of two or more municipalities are affected, the Clerk of the municipality in which proceedings were commenced shall forward to the Clerk of such other municipality a certified copy of every certificate relating to the lands or roads therein, respectively, and the Council thereof shall, within fourteen days, pay the sum for which the lands and roads within its limits are liable, to the treasurer of the municipality in which proceedings were commenced.

646. Culverts by Railways. The Council may enter into an agreement with a railway company for the construction or enlargement, by the railway company, of any ditch or culvert on the lands of such railway, and for payment of the cost of the same out of the general funds of the municipality, and to levy so much of the amount as the award determines, upon the lands affected, and in equitable relative proportions.

No Council shall enter into such agreement with a railway without the consent in writing, filed with the Clerk, of two-thirds of the owners liable for the construction of such ditch.

647. Appealing from Awards. 1. Any owner dissatisfied with the award of the engineer may, within fifteen clear days from the filing thereof, appeal to the County Judge.

Notice in writing of the intention to appeal shall be served upon the Clerk, giving the grounds of appeal.

The Clerk shall, after the expiration of the time for appeal, forward to the Judge, in registered letter, a notice of any such appeals and a certified copy of the award, who will forthwith notify the Clerk of the time and place he appoints for hearing the appeals. The Clerk shall forthwith notify the engineer whose award has been appealed against and all the persons interested.

Appellants may have the lands inspected by any other engineer.

648. Powers of Judge. The Judge shall hear and determine the appeals within two months after receiving the notice from the Clerk.

He may set aside, alter or affirm the award, call witnesses and examine the premises; costs are in his discretion.

If the Judge finds that the engineer, through any improper motive, has knowingly favored unduly one or more of the parties to the proceedings, he may direct that the engineer be deprived of all or a part of his fees in respect to the award. He may also refer the award back to the engineer with such instructions as he may deem necessary. Witness fees are same as would be allowed in a Division Court case.

649. Enforcement of Amended Award. The award as amended by the Judge shall be certified by the Clerk, together with the costs ordered and by whom to be paid, and filed with the award.

The Clerk shall also, immediately after the hearing, send by registered

letter to the clerk of any other municipality in which lands affected by the ditch are situate, a certified copy of the changes made by the Judge, which each clerk shall file and immediately notify, by registered letter, every owner within his municipality of any change made by the Judge in the portion of work and material assigned to such owner.

650 Paying the Costs. Each of the municipalities shall, within ten days after the expiration of the time for appeal, or after appeal, as the case may be, pay to the engineer and judge, and all other persons entitled to the same, their charges and fees. And if the persons awarded or adjudged to pay the same do not forthwith repay the municipality, the amount in each in default shall, together with seven per cent., be placed upon the collector's roll and collected the same as municipal taxes.

651. Completion of Work. 1. Upon a written request of any of the owners, the engineer may, at the expiration of the time limited by the award for the completion of the work, inspect the same, and if he finds any portion of the ditch not completed according to the award, he may let the work and the supply of material to the lowest bidder giving satisfactory security for the completion of the work within a limited time. This cannot be done until a notice in writing of the intended letting has been posted up in at least three conspicuous places in the neighborhood at which the work is to be done, for four clear days.

And also until after four days from the sending of the notice by registered letter to the last-known address of such persons interested in the said award as do not reside in said municipality.

2. If, however, the engineer is satisfied of the good faith of the person failing in the performance of the award, and that there is good reason for the non-performance thereof, he may, upon payment of his fees and charges, extend the time for performance.

3. The engineer may let the work a second time, or oftener if necessary, to secure its completion.

4. The owner, in default, shall be liable for the fees and expenses occasioned for the non-performance thereof in the required time, even though he then supplies the materials and commences the work. Such fees and charges if not paid by him on notice shall be a lien on his land with seven per cent. added, and placed upon the collector's roll to be collected as municipal taxes.

652. Payment of Contractor. The engineer shall, within ten days after receiving a written notice of the completion of the work that has been let, inspect the same, and if found done according to award certify the same in writing, giving the name of the contractor, the amount due him, together with the fees and charges of the engineer, and by whom the same are to be paid.

The Council shall, at their next meeting after the filing of such certificate, pay the various sums to the persons named. If the owners within the municipality do not pay the sums for which they are, respectively, made liable, the Council may order the sums, together with the seven per cent. added, to be placed upon the Assessment Roll and collected in same manner as municipal taxes.

653. Contracting the Rock Cutting. In case there is rock cutting or blasting to be done the engineer may let the same by tender, and have the cost apportioned among the respective owners according to their interests, and payments made as provided in previous sections.

654. Owners Using Ditch. Owners desiring to use such ditch in which to drain lands not contemplated by the original proceedings must do so only upon an agreement or an award.

655. Deepening or Covering Ditches. The proceedings to be taken for the deepening, widening, or covering of a ditch shall be the same as for the construction of a ditch.

No ditch shall be covered, unless when covered it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it, as well as for the water of all the lands made liable for its construction.

The maintenance of ditches widened, deepened, or covered shall be in such proportion as was provided in the original award.

656. Enforcing Maintenance. If any owner neglects to maintain the portion of a ditch provided by the award, any of the owners who were parties to the award whose lands are affected by the ditch may, in writing, notify the owner thus making default to have his portion put in repair within thirty days from the receipt of such notice. And if not so completed within thirty days they may apply to the engineer, who will enforce compliance, as in case of the non-performance of the construction of a ditch previously mentioned.

657. Ditches Previously Constructed. Any one interested in any ditch which has not been constructed under any Act relating to drainage work, may take proceedings for the deepening, widening, extending or covering of such ditch in the same manner as for the construction of a ditch under this Act. The extent and costs of the work, however, must not exceed the limitations imposed by this Act.

658. Reconsideration of Agreement. Any owner who was a party to the agreement or award whose lands are affected by a ditch may, after two years from the completion of the construction thereof, or in case of a covered drain at any time after one year, take proceedings for the reconsideration of the agreement or award under which it was constructed. The proceedings would be the same in all respects as for the construction of the ditch.

But in case of a ditch that proves insufficient, so as to cause an overflow of water upon lands along the said ditch and thereby causes damage to the same, the award may be reconsidered within six months instead of the time previously mentioned.

659. Engineer's Liability. An engineer who wilfully neglects to make an inspection within thirty days after he has received a written notice to inspect shall be liable to a fine of not less than \$5, nor more than \$10, to be recovered with costs on a complaint before a justice of the peace.

660. Draining to a Road. Lands adjoining a road or highway where the natural course of the water is towards the road may be drained therein, and the municipality is required to provide an outlet for the surface and other water which naturally flow to such road.

In case no such outlet is provided, the municipality is liable for any damage that may be thereby occasioned other property that may be flooded.

661. Natural Watercourses. A stream or creek flowing through the lands of various persons cannot be diverted to another course without the consent of all the parties who are beneficially affected by such stream passing through their lands.

Surface or other water naturally flowing from the property of one neighbor across the lands of others, and a ditch or watercourse, either by artificial or natural wear of the water having been formed, such ditch cannot be closed up by the owner of any of the lands through which it passes, and thereby do injury to other lands by the water backing up and flooding such lands.

But proceedings should be taken under the "Ditches and Watercourses Act" to have a ditch constructed, to which the owners of all the lands affected shall contribute as their interest appears

662. The Municipal Drainage Act is not given in full in this volume, as individuals are not so particularly interested in the provisions or intention of that Act as they are in the Ditches and Watercourses. It is enough to say that upon a petition of a majority in number of the resident and non-resident persons (exclusive of farmers' sons who are not actual owners), as shown by the last revised Assessment Roll to be owners of lands to be benefited in any described area in a township, incorporated village, town or city, to the Council thereof, for the drainage of the area described in the petition, the Council will order an examination and report by the engineer.

663. By-Laws. Should the Council, after considering the engineer's report and the petition, be of the opinion that the drainage work proposed in said petition, or a portion thereof, would be desirable, the Council may pass a by-law:

1. For providing for the proposed drainage work or a portion thereof being done.
2. For borrowing on the credit of the municipality the funds necessary or the portions to be contributed by the initiating, when the same is to be constructed at the expense of two or more municipalities, and for issuing debentures to the requisite amount, in sums of not less than \$50 each, and payable within twenty years from date, with interest at the rate of not less than four per cent. per annum. In case of pumping and embanking drainage work the debentures may be payable within thirty years.

664. Travelling on Highways. 1. Carriages meeting on the highway shall turn out to the right, giving one-half the road.

It is the same when meeting a bicycle or tricycle, the carriage must turn out to the right far enough to allow the cycle sufficient room on the travelled portion of the road to pass.

2. Carriages overtaken by another carriage, or on horseback being overtaken by another travelling at greater speed, he shall quietly turn out to the right and allow the other to pass, and the person so overtaking another shall turn out to the left as far as is necessary to avoid a collision. It is the same with bicycles and tricycles meeting each other, or being overtaken, or overtaking or being overtaken by vehicles drawn by horses.

The bicycle or tricycle, however, overtaking a carriage, must give audible warning before attempting to pass.

3. In case of vehicles meeting, or one being overtaken by the other, and one is too heavily laden to turn out, such vehicle is required to stop while the other passes, and if necessary, to assist the person in charge of the other to pass.

4. A person being on the highway in charge of a vehicle and horse, yet too drunk to manage the same, or any person racing or driving furiously, or using indecent or blasphemous language upon the highway, incurs a penalty not less than \$1 nor more than \$20.

5. Every person driving upon the highway with any kind of a sleigh is required to have at least two bells attached to the harness.

6. In cities of over 100,000 inhabitants a person travelling upon a bicycle or tricycle in a northerly or westerly direction upon the central strip (devil strip) between the double tracks of a street railway meets another travelling in the opposite direction, he shall turn out to the right, allowing the other person going south or east the whole of such central strip.

7. Persons who have the superintendence of a bridge over thirty feet in length may put up a notice forbidding any person riding or driving on or over such bridge faster than a walk. The penalty for violation is a fine not less than \$1 nor more than \$20.

Any person who injures or interferes with such notice is liable to a fine not less than \$1 nor more than \$8.

665. Double Tracks on Snow Roads. 1. The County Council may pass a by-law to provide in each year during the season of sleighing for double tracks, so that teams may be able to pass without turning out. The right-hand track is that in which a team is always required to travel, and any person travelling in the wrong or left-hand track and refusing to leave the same when met by a person travelling therein is liable to a penalty of not less than \$1 nor more than \$20 and costs, and in case of non-payment to imprisonment for a term not exceeding twenty-one days.

2. The County Council may also require the pathmasters appointed by township councils to cause the roads on which double tracks are to be made to be kept open for travel within their respective municipalities; or, in case of there being no such pathmasters available, may appoint roadmasters to perform that duty. Such pathmasters have full power to call out persons liable to perform statute labor to assist in keeping open such roads, and to give such persons certificates for having performed statute labor to the number of days' work done, to be allowed on their next season's statute labor. The County Council may also, if necessary, require such township councils to apply so much of the commutation of Statute Labor Fund as may be required to keep open such roads.

3. In case the Township Council neglects or refuses to keep such roads open, the County Council is entitled to do so and to impose upon the township a rate sufficient for the purpose, and collect the same as other county rates are collected.

4. Any person liable to perform statute labor who neglects or refuses to turn out and work under any pathmaster who warns him out for that purpose, is liable to a penalty of not less than \$1 nor more than \$20 and costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days.

666. Snow Fences. The councils of every township, city, town and incorporated village may require owners or occupants of lands bordering upon any public highway to take down, alter or remove any fence found to cause an accumulation of snow or drift, so as to obstruct travel on the public highway. Where such power is exercised, they shall make such compensation to the owners or occupants for the alteration or removal of such fences, and for the construction of some other fence approved of by the Council in lieu thereof, as may be mutually agreed upon, and if the compensation to be paid by the Council cannot be agreed upon, then the same shall be settled by arbitration, as provided by the Municipal Act.

1. In case the owner or occupant refuses or neglects to remove such fence and to construct such other fence as required by the Council, the Council may, after the expiration of two months from the time the compensation was agreed upon or awarded by arbitration, proceed to do the same, and all the costs and charges thereby incurred by the Council over and above the sum agreed upon or awarded by arbitration, may be recovered from such owner or occupant by action in the Division Court, and if such amount as judgment is obtained for is not sooner paid, be entered by the Clerk of the Municipality on the collector's roll, and collected as other taxes.

When a tenant is required to pay the said sum, unless he has agreed with the landlord to do so, he may retain the amount paid from the rent to be paid by him to the landlord.

2. The Council has power after the 15th day of November in each year to enter upon any lands whatsoever within the municipality and erect snow fences along a public highway, subject to the payment of such damages as may actually be suffered by the owner or occupant of such land, and if the amount of damages cannot be agreed upon the same shall be settled by arbitration.

667. Railway Fences. The fences on each side of all railways and electric railways to be erected and maintained shall be of the height and strength of an ordinary division fence.

LINE FENCES.

668. Line Fences. Owners of occupied adjoining lands are required to make, keep up and repair a just proportion of the division fence between them. Owners of unoccupied lands shall, upon their being occupied, be in the same position as though they had been occupied at the time of the original fencing.

669. In Case of Dispute between owners respecting such proportion the case shall be settled by arbitration of the Fence Viewers.

670. Notice to be Given. Either owner may send the following notice to the other owner or occupant of the adjoining land, that he will, not less than one week from the service of such notice, cause three fence viewers of the locality to arbitrate in the premises:

671. Form of Notice.

"Take notice, that Mr. , Mr. , and Mr. , three fence viewers of this locality, will attend on the day of 18 , at the hour of , to view and arbitrate upon the line fence in dispute between our properties, being lots (or parts of lots) and in the concession of the Township of , in the County of

"Dated this day of , 18 .

"To C. D., A. B.,

"Owner of Lot (give number). Owner of Lot (give number)."

672. Notice to Fence Viewers. The owner so notifying, as in previous section, shall also send the following notice to each of the fence viewers not less than one week before their services are required:

"Take notice, that I require you to attend at , on the day of , A.D. 18 , at o'clock a.m., to view and arbitrate on the line fence between my property and that of Mr. , being lots (or parts of lots) Nos. and , in the concession of the Township of , in the County of

"Dated this day of , 18 .

"To C. D.,

"A. B.,

"Owner of Lot —."

Both the preceding notices must be in writing, signed by the person notifying, and may be served by being left at the residence of such owner or occupant with some grown-up person residing there; and in case of the land being untenanted, by leaving the notice with an agent of such owner.

An occupant of such land being so notified must immediately notify the owner, or be personally liable for all damages caused to the owner by such neglect.

The owner notified may, within the week, object to any or all of the fence viewers notified, and in case they cannot agree, the Judge of the Division Court shall name the fence-viewers who are to arbitrate.

673. Duties of Fence Viewers. They shall examine the premises and, if required by either party, they shall hear evidence and examine witnesses on oath. Any one of them may administer an oath or affirmation for the purpose.

1. They shall make an award in writing, signed by any two of them, which shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work

shall be done. They shall state which of the parties shall pay the costs of the proceedings, or in what proportion they shall be paid.

2. They shall, in making the award, consider the character of fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and the suitableness of the fence ordered to the wants of each party.

3. Where, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, they may locate the fence either wholly or partially on the land of either party where to them it seems to be most convenient. Such location shall not affect the title to the land.

4. If necessary, they may employ an Ontario land surveyor to describe the proper locality of the fence.

5. The award shall be deposited in the office of the Clerk of the Municipality in which the lands are situate, and shall be an official document, and notice of its being made shall be given to all the parties interested.

674. Enforcement of Award. 1. The person desiring to enforce the award shall serve upon the owner or occupant of the adjoining lands a notice in writing requiring him to obey the award. If the award is not obeyed within one month after service of such notice the person so desiring to enforce it may do the work required, and immediately enter proceedings in the Division Court to recover the value and costs from said owner.

The Division Court Judge may, on application of either party, extend the time for making the fence to such time as he may think just.

2. Instead of having the execution to issue upon such judgment, the party enforcing the judgment may obtain a certificate from the Clerk of the Division Court of the amount of debt due and costs, and lodge the same with the Clerk of the Municipality, to be placed upon the collector's roll and collected in the same manner as the taxes. It then becomes a charge on the lands until paid; and execution shall not in such case thereafter issue on such judgment.

3. The award shall also constitute a lien upon the lands when it is registered in the Registry Office of the division in which the lands are situate.

675. Form for Award:

"We, the Fence Viewers of (name of the locality), having been nominated to view and arbitrate upon the line fence between..... of (name and description of owner who notifies him), and (name and description of owner notified), which fence is to be made and maintained between (describe properties), and having examined the premises and duly acted according to the Line Fences Act, do award as follows: That part of the said line which commences at..... and ends at (name the points) shall be fenced, and the fence maintained by the said, and that part thereof which commences at..... and ends at (describe the points) shall be fenced, and the fence maintained by the said..... The fence shall be of the following description: (State

the kind of fence, height, material etc.), and shall cost at least per rod. The work shall be commenced within days and completed within days from this date, and the costs shall be paid by (state by whom; if by both, in what proportion).

"Dated this, day of , 18 ."

(Signatures of Fence Viewers.)

676. Appealing from Award. Any person dissatisfied with the award may appeal therefrom to the Judge of the County Court of the county in which the lands are situate.

1. In which case the party appealing shall serve upon the fence viewers and all the parties interested, a notice in writing of his intention to appeal, within one week from the time he was notified of the award.

2. The appellant must also deliver a copy of the notice to the Clerk of the Division Court, who will immediately notify the Judge of such appeal, who will fix a day for hearing the appeal, and, if he thinks fit, order the appellant to deposit with the Clerk sufficient funds to cover costs of appeal.

3. The Clerk, as soon as he receives notice from the Judge of the time and place set for hearing the appeal, shall notify the fence viewers and all parties interested.

4. The Judge may, after hearing the case, set aside, alter, or affirm the award, and order costs as seems to him just. His decision shall be final, and the award so determined shall be dealt with as if there had been no appeal.

677. Fees of Fence Viewers. The fence viewers shall be entitled to receive \$2 each, for every day's work given in the case, and the land surveyor and witness same fees as they would receive in a Division Court case.

At the expiration of the time for appeal, or after the appeal has been disposed of, as the case may be, the municipality shall pay the fence viewers their fees, and if the same be not forthwith repaid by the person awarded or adjudged to pay them, they shall thereafter be placed upon the collector's roll and collected as the ordinary taxes.

The municipality shall also deal in the same way with the expenses the Judge may incur in inspecting the premises, etc.

678. Registration of Agreements. Any agreement in writing between owners respecting such line fences may be registered or filed, and enforced the same as an award.

679. Form of Agreement.

"We, (A. B.) and (C. D.), owners, respectively, of lots (or parts of lots) number in the concession of the Township of, in the County of, do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (Follow the same form as in award).

"Dated this day of , 18 ."

(Signatures of both.)

680. Removal of Division Fences. The owner of the whole or part of a line fence, which forms part of the fence enclosing the occupied or improved land of another person, shall not remove any part of such fence without giving such other person at least six months' notice of his intention to do so;

Nor unless such owner or occupier, after demand made upon him in writing by the owner of such fence, refuses to pay for the same the sum awarded by the fence viewers.

681. Trees Across Line Fences. 1. If a tree from any cause is thrown across a line fence and does damage to the crops on the adjoining property or to such fence, the owner or occupant of the premises upon which the tree formerly stood shall forthwith remove the same, repair the fence and make good any damage caused by the falling of such tree.

2. On his neglect or refusal for forty-eight hours after notice in writing to remove the same, the injured party may do so in the most inexpensive manner and retain the tree as remuneration, and also recover any further amount of damages sustained from the party liable to pay the same.

3. The owner of such tree may, for the purpose of removal, enter upon such adjoining premises without being a trespasser, avoiding any unnecessary waste in doing so.

4. If the parties cannot agree the dispute shall be adjusted by three fence viewers, the decision of any two of whom shall be binding upon the parties.

POUNDS.

682. Unless varied by by-laws of the Council, the following statutory provisions shall be in force in every municipality in the Province.

Horses, cattle, sheep, swine and poultry may be impounded for unlawfully running at large or trespassing and doing damage.

1. The person on whose premises such animals have trespassed may deliver the same to the pound-keeper, or

2. If the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbor's premises after a notice in writing has been served upon him of their trespass, he may be brought before a justice of the peace and fined as the justice directs.

3. When an animal has been impounded the pound-keeper is required, within twenty-four hours, to deliver a written notice to the Clerk describing the animal as nearly as may be.

4. If the common pound of the municipality is not safe the pound-keeper may confine the animal in any other enclosure within the pound-keeper's division.

5. The person distraining or impounding, if required by the pound-keeper, must deposit poundage fees, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages, if any, not exceeding \$20, done

by such animal, and also give his written agreement, with security if required, similar to the following:

"I (name), do hereby agree that I will pay to the owner of the animal (describes it), by me this day impounded, all costs to which the said owner may be put in case the distress by me, the said (give name), proves to be illegal, or in case the claim for damages now put in by me, the said (name), fails to be established."

(Signature.)

The owner of the animal impounded is entitled at any time to demand the possession of his animal without payment of any poundage fees on giving satisfactory security to the pound-keeper for all costs, damages and poundage fees that may be awarded against him.

6. In case of horses, cattle, sheep or pigs are distrained by a resident for straying within his premises, such person may retain the animal in his own possession, instead of delivering it to the pound-keeper, provided he makes no claim for damage and gives the required notices as follows:

If the owner is known to him he shall forthwith notify him in writing that he has taken up the animal; but if the owner is unknown then he shall within forty-eight hours after taking possession of the animal give the Clerk of the Municipality a notice in writing of having taken up the animal, and giving a description of the animal as near as may be.

The Clerk will forthwith enter a copy of such notice in a book kept for that purpose, and post another copy in a conspicuous place on or near the door of his office, and keep it posted for one week.

If the value of the animal is \$10 or more, the distrainer shall have a copy of the notice published in a newspaper in the county once a week for three successive weeks.

683. Notice of Sale. 1. In case an animal is impounded, notice of the sale shall be given by the pound-keeper or person who impounded the animal within forty-eight hours; but no pig or poultry shall be sold till after four clear days, nor any horse nor cattle till after eight clear days, from the time of impounding the same.

2. In case the animal is not impounded, but retained in possession of the party distraining the same, if it is a horse, pig, goat or sheep, the notices for the sale shall not be given for one month; and if it is a horse or cattle the notices for sale shall not be given for two months after the animal is taken up.

3. The notices of sale may be written or printed, and shall be posted up and continued three clear successive days in three public places in the municipality, giving the time and place at which the animal will be publicly sold, unless sooner redeemed, the penalties or damages, as the case may be, paid, and also the lawful fees and charges of the pound-keeper and fence viewers, if any, together with the expenses of the animal's keeping.

684. Disputing Amount of Damages. 1. If the owner, within forty-eight hours after the delivery of the notices of damages to the pound-keeper, disputes the amount of damages, the amount shall be decided by

the majority of three fence viewers of the municipality—one named by the owner of the animal, one by the person claiming damages, and one by the pound-keeper.

2. Such fence viewers, or two of them, shall, within twenty-four hours after notice of their appointment, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or the by-laws, and if found to be lawful, then to appraise the damages committed; and within twenty-four hours after having made the view shall deliver to the pound-keeper a written statement, signed by at least two of them, of their appraisal and of their lawful fees and charges.

3. If the fence viewers decide against the legality of the fence the pound-keeper shall, upon payment of all lawful fees and charges, deliver such animal to its owner if claimed before the day of sale, but if such fees and charges are not paid the animal may be sold after giving due notice as required by the Act.

For neglect to do their duty they incur a penalty of \$2, payable to the municipality upon complaint of the party aggrieved or the treasurer of the municipality.

685. Care of Impounded Animals. A pound-keeper refusing or neglecting to provide proper shelter with good and sufficient food and water for animals impounded incurs a penalty for every day of such neglect or refusal of not less than \$1, nor more than \$4, one-half going to the municipality and the other to the prosecutor.

Also any other person who may so retain the animal in possession, as previously stated, must give the same care, and shall be entitled to recover from the owner the value of the food and a reasonable amount for attendance.

686. Sale of the Animal. Upon affidavit before a justice of the peace that all the proper notices had been given in the manner prescribed, if the owner does not redeem the animal before the day appointed for sale, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained it in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder at the time and place mentioned in the notices; and after paying the legal damages, not more than \$20, fees and charges for keeping, the surplus shall be returned to the owner of the animal, and if not claimed within three months, such surplus shall be paid the treasurer of the municipality for use of such municipality.

687. Annual Statement. Every pound-keeper and other person who so retains any animal, is required on or before the 15th day of January, to file with the clerk of the municipality a statement for the year ending the 31st day of December preceding:

1. The number of animals impounded or distrained, as the case may be.
2. The number of animals sold and the amounts received.
3. The sum received as poundage fees and cost of keep.

4. The amount of damages paid by any party.
5. All disbursements and to whom paid.
6. Any other receipts and expenditures in connection therewith.

The statement must be certified to as a true and accurate statement for the year ending the 31st day of December prior to that in which the statement is filed.

The penalty for neglecting to file such statement at the time required incurs a penalty not exceeding \$10.

DOGS AND SHEEP.

688. Dog Tax. Where the Council of a municipality has not by by-law declared otherwise, every municipality shall levy annually upon the owner or possessor of each dog therein an annual tax of \$1 for a dog and \$2 for a bitch. The owner of a kennel of pure-bred dogs, which are registered in the "Canada Kennel Register," may pay to the treasurer of the municipality \$10, as a tax upon such kennel for that year, and shall then be exempt from assessment for the said year.

1. Upon a petition of twenty-five ratepayers the Council may pass a by-law that the said tax or any part of it shall not be levied in the municipality.

2. If the persons who have been assessed for dogs fail to pay the said tax the dogs may be destroyed. The constable ordered to destroy them may enter upon the premises for that purpose.

3. The money collected from such tax shall form a fund to satisfy such damages as may arise in any year from dogs killing or injuring sheep in such municipality, and the balance to go to the general funds.

4. Councils may also pass by-laws declaring that such tax shall be levied, but that it be not used as a fund for payment of damages as mentioned in preceding paragraph, but to be used as other taxes.

689. Protection of Sheep. (1) Any person may kill a dog which he sees pursuing or worrying a sheep or lamb; that is, the dog may be killed whilst in the act, but if he has made his escape he cannot be followed home and killed there; but in such case the owner of such dog must be proceeded against according to law, as given in following sections: or,

(2) Any dog without lawful permission found in any enclosed field on a farm, barking at and terrifying any sheep or lamb; or,

(3) Any dog found straying between sunset and sunrise on any farm where sheep or lambs are kept; but a dog from the adjoining farm, or a dog securely muzzled, or being within reasonable call of its owner or other person in charge of such dog, shall not be killed unless there is reasonable ground to believe that such dog is likely to pursue or worry sheep or lambs on the farm.

690. Destruction of Dogs which have worried sheep provided for, as follows:

On a complaint made in writing on oath before a justice of the peace, the owner or harbinger of a dog which has worried or injured any sheep or

lamb within six months previous, may be summoned before the magistrate to answer to such complaint, and on conviction the Justice may order such dog to be killed within three days, and in default thereof may in his discretion impose a fine not exceeding \$20 with costs. A conviction under this Act is not a bar to an action for damages.

691. Extent of Liability. 1. The owner of any sheep or lamb killed or injured by a dog, may recover damages from the owner or keeper of such dog by an action for damages or by summary proceedings before a justice of the peace.

2. If it appears to the court or judge at the trial that the damage sustained was caused by other dogs as well, and in company with the one whose owner is charged in the complaint, then the judge may apportion the damages among the respective owners, as far as they are known, of such dogs as he thinks fit, as if the complaint had been laid in the first place against such person or persons.

3. An appeal from the judgment may be made to the Division Court.

692. Dogs to be Killed by Owner. The owner or keeper of a dog or dogs, to whom notice has been given of injury done by his dog to any sheep or lamb, or of his dog having chased or worried any sheep or lamb, is required within forty-eight hours after such notice to cause such dog to be killed. For neglect to do so he is liable to a penalty of \$2.50 for each dog, and a further sum of \$1.25 for each such dog for every forty-eight hours thereafter until the dog is killed, if it is proved to the satisfaction of the justice before whom the proceedings are taken that such dog or dogs actually did the damage complained against.

NOTE. The penalties shall not be enforced if it appears to the satisfaction of the justices that such owner had not the power to kill such dog.

693. Recovering Damages. 1. In case the owner of any sheep or lamb so killed or injured proceeds against the owner of the dog that did the injury before a justice of the peace, and having secured a conviction, but is unable to recover the amount ordered to be paid as compensation for want of sufficient distress, then the Council of that municipality shall order to be paid from the treasury two thirds of the amount ordered to be paid by the justice in addition to the costs.

This would not be done in case such municipality had, by by-law, declared not to use the dog tax for a fund for payment of such damages.

2. The owner of any sheep or lamb killed or injured by a dog, the owner of which is not known, may, within three months after the killing or injury apply to the Council of the Municipality for the compensation. The Council, when satisfied that the aggrieved party had made diligent inquiry and search to ascertain the owner of such dog, may award to such aggrieved party a sum not exceeding two-thirds the amount of damages sustained by him. After the aggrieved party receives such compensation from the municipality his claims then belong to the municipality, and they may enforce the same against the offender. In case the municipality subsequently recovers more from the offender than they paid to the aggrieved

party besides their costs; they shall pay the excess over to said aggrieved party.

3. If the Council has by by-law decided to dispense with the levying of a dog tax, the owner of any sheep or lamb killed or injured by a dog may, notwithstanding, sue the owner or keeper of such dog or dogs for the damage sustained as previously mentioned.

694. When Compensation is not Allowed. The owner of any sheep or lamb killed or injured while running at large upon a highway or unenclosed land has no claim under the Act to obtain compensation from the municipality.

LIQUOR LICENSES.

695. Issue of Licenses. Tavern and shop licenses may issue between the 1st and 15th day of May in each year, and shall expire on the 30th day of April of the following year.

In special cases the License Commissioners may direct licenses to issue after the 1st day of May, providing the application for the same has been filed with the inspector on or before the 1st day of April.

696. Number of Licenses. The number of tavern licenses to be granted in a municipality in each year shall not exceed the following limitations in cities, towns and incorporated villages:

1. For the first 250 of the population, one tavern license.
2. For each subsequent 250 of the population one tavern license, but not more than three such licenses for the first 1,000 inhabitants.
3. For each full 600 over the first 1,000 inhabitants, one tavern license.
4. The preceding parts of this section do not apply to county towns having a population of 2,500, or less, as to which there may be one license for each 250 for the first 1,000 inhabitants, and one for each 400 over 1,000 of the population.

In no case can the number of tavern licenses be increased in a municipality beyond the number issued for the year ending 1st May, 1897, unless the population has so increased since taking the census in 1891 that the commissioners deem a larger number necessary.

697. Accommodation Required. Every tavern to be licensed shall contain, during the continuance of the license, in addition to what is needed for the use of the family, not less than four bedrooms, together with a suitable complement of bedding and furniture, and attached to said tavern proper stabling for at least six horses. In cities, the number of bedrooms required is six; but in both cities and incorporated towns stabling is not required for horses.

1. Such tavern shall form no part of, and shall not communicate by, any entrance with a store where groceries or provisions are kept for sale. This sub-section does not apply to townships unless provided for by a by-law of the Council.

2. Every tavern shall be shown to the satisfaction of the license commissioners to be a well-appointed and sufficient eating-house, with all the appliances requisite for the daily service of meals to travellers. This sub-section applies to all taverns or houses of entertainment without exception.

3. Councils of cities and towns may, by by-laws passed before the 1st day of March in any year, prescribe for the next license year requirements in addition to those previously mentioned as to accommodation to be possessed by taverns, and the license commissioners upon receiving a copy of such by-law are bound to observe its provisions until the by-law is repealed.

698. Beer and Wine Licenses may be issued upon application in place of tavern licenses if the Board of Commissioners, by resolution passed before the 1st day of May, so declare; but such resolution must not so limit the number of tavern and shop licenses as to prohibit within any municipality the sale of spirituous liquors.

1. A beer and wine license means a tavern license for selling by retail lager beer, ale, beer and porter, and native wines manufactured in Ontario, containing not more than fifteen per cent. of alcohol, also light foreign wines (not port, sherry or Maderia wine) containing not more than fifteen per cent. of alcohol, in quantities of less than one quart.

2. The holder of such license is subject to all the conditions and penalties that apply to tavern licenses.

3. The holder of a beer and wine license shall not keep spirits on the premises, or any intoxicating liquors other than those enumerated, and the native and foreign light wines containing more than fifteen per cent. of alcohol, or be liable to the penalties provided for selling spirituous liquors without license. (See Section 712.)

699. Saloon licenses are not to be issued after the 30th day of April, 1899, but all houses licensed to sell intoxicating liquors must have all the tavern accommodation required by law.

1. Exception is made respecting eating-houses or restaurants in railway stations having had a license before the 13th day of April, 1897, and was at that date duly licensed. Such license may, in the discretion of the License Commissioners, be granted without the hotel accommodation.

700. Shop Licenses. No shop license shall be granted to any person to sell liquors in any store or premises where groceries or other merchandise are sold, except mineral or aerated water, not containing spirits, ginger ale, liquor cases, bottles, or liquor baskets, or packages, taps or faucets, cigars in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, and not to be consumed on the premises.

Ginger ale and mineral waters must not be sold in less quantities than one-half dozen bottles, and must not be consumed on the premises.

701. Restrictions by Councils. The councils of cities, towns, villages and townships may, by by-laws, to be passed before the 1st day of April in any year, limit the number of shop licenses to be granted therein for the next ensuing license year, and impose such restrictions as the Council may

think fit. Such by-law may be made to come in force on the 1st day of May next ensuing, or on the 1st day of May of the succeeding year, and shall not be repealed during the next three years after it comes in force.

702. Wholesale Licenses may be issued in any municipality at any time during the year by the Inspector, after the License Commissioners have directed the same to be granted the applicant. Such license shall be for selling spirituous or fermented liquors by wholesale only, and shall become void in case the holder, either directly or indirectly, through any partner, clerk or other agent, carries on, during the currency of the license upon the premises, the business of a retail dealer in other goods or wares.

703. Manufacturers of Native Wines from grapes grown in Ontario may sell such wines in quantities of not less than one gallon, or two bottles of not less than three half pints each at one time, not to be drunk upon the premises, are not required to have a license.

704. Council Imposing Higher Fees. The Council of any municipality may, by by-law, passed before the 1st day of March, require a higher fee for tavern or shop licenses than the statutory sum, but must not exceed \$200, unless such by-law has been submitted to and received the assent of the electors. If such by-law is not passed before the 1st day of March, it will not come into force until the 1st day of May in the following year, and shall remain in force until repealed. If it has been approved by the electors the repealing by-law must also receive approval of electors.

705. Sale of Liquor by Druggists. Chemists or druggists may sell liquors for strictly medicinal purposes, in packages of not more than six ounces at any one time, or any mixture containing liquor mixed with any other drug or medicine for medicinal purposes, in packages of not more than one pint.

The druggist is required to keep a record of every sale of such liquors, giving the date, name of purchaser and quantity sold, and the prescription of the medical practitioner.

706. Objections to Grant of License. Any ten or more electors of a polling sub-division, may object by petition to the granting of any license within such sub-division, and may urge any one or more of the following objection, as the case may be:

(1) That the applicant is of bad fame and character, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of one year, or that he has kept within a period of two years a place in which the illicit sale of liquors was frequent and notorious; or,

(2) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements; or,

(3) That the licensing thereof is not required in the neighborhood, or that the premises are in the immediate vicinity of a place of public worship, hospital or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

Any person who has signed the memorial against the granting of such license may be heard by the Board of Commissioners in opposition thereto.

In case the character of the applicant is objected to, three days' notice must be given the applicant before the objection shall be heard, unless the Board directs otherwise.

107. Petitions against Renewal of license in a residential locality, signed by not less than seventy-five persons, being at least a majority of the electors in a polling sub-division, may be presented to the Board of any city, praying that any tavern license issued in that sub-division be not renewed on the ground of that the locality in which the premises are situate is a residential and not a business locality.

1. Before circulating such petition ten resident electors may, by writing, request the Board to decide whether or not such locality is a residential or business locality. Notice of such application must be personally served on the owner, and if the owner is not the occupant, then upon the occupant of the premises also, at least two weeks before the application is delivered to the Board.

2. A written notice, signed by at least ten resident electors of the polling sub-division, setting forth the substance of the petitions, must be personally served upon the owner of such licensed premises, and if the owner is not the occupant, then upon the occupant also, and published once each week for two successive weeks in a daily newspaper published in the city.

3. The petitions shall be presented within two months after service of the notice of the intention to present the same and before the 1st day of April, and there shall be annexed thereto a certificate under the hand of the Clerk and seal of the corporation that the petition is signed by at least a majority of the electors of the sub-division.

The signatures must also be verified by the statutory declaration of at least one attesting witness.

108. Action by the Board. The Board of License Commissioners shall meet within one week after the receipt of the petition, and upon being satisfied that the provisions here enumerated have been complied with, shall, by resolution, declare that the license for such premises shall not be renewed after the expiration of the next ensuing license year, nor any other license in lieu thereof be granted to premises in said locality so long as the same is a residential locality.

109. New Applicants for License. In case of an application for a tavern or shop license by a person who is not at that time a licensee under the Act, or in case of an application for a transfer from another polling sub-division of such license to premises which are not then licensed, the petition for the same must be accompanied by a certificate signed by the majority of the electors entitled to vote at elections for the Legislative Assembly in the polling sub-division in which said premises are situate, and the said majority must include at least one-third of such electors who are at the time of such application residents within the said polling sub-division.

The license shall not be granted if a majority of the duly qualified

electors, as aforesaid, petition against the same. The petitions against the granting of a license shall be lodged with the inspector at least four days before the first meeting of the Board to consider the application, and the inspector shall present the petition at such meeting.

In case of dispute as to the required majority or proper qualification of the electors signing the petition or certificate, the Clerk's certificate shall be sufficient and final.

710. When Licenses Must Not be Granted. 1. The license commissioners shall not grant any license whatever for the sale of intoxicating liquors on the days of the Industrial Exposition at Toronto, or of any district or township agricultural exhibition, either within the grounds or within 300 yards from said grounds.

2. Nor within 300 yards of a church, high school, public or separate school, university or college, or other public educational institution, measured from the main entrance of such building.

3. No license shall be issued for the sale of liquor on any ferryboat or vessel navigating the great lakes or the inland rivers, and no liquor shall be kept for sale on such boats.

711. Prohibited Sales. 1. All places where intoxicating liquors are sold by wholesale or retail shall be closed from seven o'clock Saturday night until six o'clock Monday morning, and during these hours none must be sold or drunk on the premises, except by the occupant, or a member of the family or a lodger. The bar-room must also be kept closed during such hours except upon requisition of a physician, or a justice of the peace.

2. On other days the prohibition extends from ten o'clock in the evening for townships, villages and unorganized territory, and eleven o'clock in cities and towns, and the hour of six o'clock in the morning.

3. No sales of liquor on polling days within the limits of a polling sub-division for either a parliamentary election, or legislative assembly or municipal election, or when voting on the Canada Temperance Act, from six o'clock in the morning until six o'clock in the morning of the following day. In cities, towns and incorporated villages a light in the bar-room is deemed *prima facie* evidence of sale.

712. Penalties. 1. Persons, other than the keeper of the house or a lodger, who is unlawfully found in the bar-room or who buys liquor during the prohibited hours for selling, is liable to a fine not exceeding \$10, nor less than \$2, with costs.

2. Purchasing intoxicating liquor from any person not licensed to sell incurs a penalty under the Act.

3. The holder of a shop license or a druggist who allows any liquor to be consumed on the premises is liable to the penalties for selling liquors without a license.

4. Persons holding a license to sell by wholesale must not allow liquor to be consumed on the premises, nor sell to persons to sell again who have no license.

5. Any license commissioner or inspector who knowingly issues any license contrary to the provisions of the Act is liable, upon conviction, to a penalty for each offence of not less than \$40 nor more than \$100.

6. Any municipal officer convicted of an offence under the Act forfeits his office, and is disqualified from holding any municipal office for two years, and to the regular penalties provided under the Act.

713. Penalty for Selling Without License. The penalty for selling intoxicating liquors without license is: For the first offence, a fine of not less than \$50, nor more than \$100 and costs, and in default of payment, to imprisonment in the common gaol for a period not less than three months, with or without hard labor, at the discretion of the convicting magistrate; and for the second offence, upon conviction, to imprisonment for four months **with** or without hard labor; and for the third offence, imprisonment for six months; and if committed upon several convictions the terms of imprisonment shall be consecutive, and not concurrent.

714. Selling During Prohibited Hours. For the first offence a fine of not less than \$20, nor more than \$40, with costs; for the second offence, a fine of not less than \$40, nor more than \$80, with costs, or twenty days' imprisonment with hard labor; for the third offence, a fine not less than \$80, nor more than \$100, with costs, or fifty days' imprisonment with hard labor. The third conviction also forfeits the license and disqualifies from obtaining another license for two years. In proving the case it is not necessary that money actually passed or that liquor was actually consumed if the court is satisfied that a transaction in the disposal of liquor actually took place.

715. Physicians and Justices of the Peace who colorably give a certificate or requisition for medicinal purposes, without which liquor could not be lawfully obtained from a druggist, to enable a person to obtain liquor to drink as a beverage is liable for the first offence to a penalty of not less than \$10, nor more than \$20; and for a second or any subsequent offence, of not less than \$20, nor more than \$40.

716. Penalty for Permitting Drunkenness or disorderly conduct on the premises, or any games of gambling, is a fine of not less than \$10, nor more than \$50; or for permitting or using any internal communication between any licensed premises and unlicensed premises, used for public entertainment or refreshment-house incurs the same penalties.

717. For Supplying Liquor to Minors. 1. Any licensed person who allows any description of intoxicating liquors to be supplied from his premises to persons of either sex apparently or to the knowledge of the licensed persons, or of the person supplying the liquor, under the age of 21 years, shall, as well as the person who actually supplies the liquor, be liable to a penalty of not less than \$10, nor more than \$50, besides costs for every such offence. This does not apply where the liquor is purchased on the written order of the parent, guardian or master.

2. This section applies to clubs whether licensed or unlicensed, as well as to taverns and shops licensed, and the same penalty is affixed, and whether such minor is a member or not.

3. Any licensed person who knowingly permits any minor to linger in or loiter about any bar-room or other room where liquor is sold, unaccom-

panied by parent or guardian, is liable for every such offence to a penalty of not less than \$2, nor more than \$10, and costs; and the minor so lingering without good and sufficient cause, and who is not a resident on the premises or a boarder or lodger, is liable to the same penalty.

718. Prosecutions. All information or complaints for the prosecution of offences under this Act shall be made in writing within thirty days after the commission of the offence or the cause of action arose.

719. Pawn by Tavern-Keepers. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture or provisions by way of sale or barter, directly or indirectly, the consideration for any part of which is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any stipendiary magistrate, a police magistrate, or two justices of the peace may, upon sufficient proof on oath being made, issue a warrant for the restitution of all such property, and for payment of costs, and the offender shall also be liable to a penalty not exceeding \$20.

720. Furnishing Liquor in Excess. Where in any tavern, place of public entertainment, where refreshments are sold, or where intoxicating liquors are sold, either legally or illegally, any person has drunk to excess of intoxicating liquors furnished to him therein, and while in a state of intoxication from such drinking has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such house, and also the person or persons who, for such keeper, delivered the liquor to such person which caused the intoxication shall be jointly and severally liable to an action, if brought within three months thereafter, by the legal representatives of the deceased, who may bring either a joint and general action against them, or a separate action against any one of them, and recover a sum not less than \$100, nor more than \$1,000, in the aggregate as damages, as the court or jury determine.

721. Liability for Assaults. If a person in a state of intoxication assaults any person or injures any property, the person who furnished him the liquor, if done in violation of this Act or in violation of law, shall be jointly and severally liable with the person intoxicated for the injury done; and the person injured, or his legal representative, may recover damages in an action against them jointly or against either one separately.

722. Restricting Sale to Inebriates. Where it is made to appear in open court, sitting in the county in which he resides, that the person summoned before such court by excessive drinking of liquor misspends or wastes his estate, or greatly injures his health, or endangers the peace and happiness of his family, the police magistrate or justices holding such court shall, by writing, under the hand of such police magistrate or of two of the justices, forbid any licensed person to sell to him any liquor for one year; and such police magistrate or justices, or any other two justices of the county in which the said person resides, may, at the same time, or any other time, in like manner forbid the selling of any such liquor to the

said person by any licensed person of any other city, town or district to which he resorts or may be likely to resort for liquor.

Any person so prohibited or notified, his servants or agents, who violates this section is liable for the first offence to a fine not exceeding \$20; and for a second or any subsequent offence, to a penalty of not less than \$20 nor more than \$50.

If any other person who knows that liquor has been prohibited to such drunkard, either gives, sells or procures for him any liquor, they shall, upon conviction, incur for every such offence a fine not less than \$25 nor more than \$50.

The person in respect of whom such notice has been given may have it set aside by applying to the County Judge, but he must give the police magistrate or justices who signed the petition seven days' notice of his intention to do so, and also the County Crown Attorney. The Judge may then, after hearing the case and being satisfied that the wife or husband (if married) of such person consents thereto, either set aside the prohibition or dismiss the said application as seems to him best.

723. Relatives Prohibiting. The husband, wife, parent or child, twenty-one years of age; brother, sister, master, guardian or employer of any person who has the habit of drinking intoxicating liquor to excess; or the parent, brother or sister of the husband or wife of such drinking person; or the guardian of any child of such drinking person; may give notice in writing (or may require the inspector to give the notice), signed by him or her, to any person licensed to sell intoxicating liquors not to deliver intoxicating liquors to such drinking person. If the person so notified at any time within twelve months after such notice, either himself, clerk or agent (otherwise than on a requisition signed by a physician) delivers or suffers to be delivered from any place whatever where such liquor is sold to the person having such habit, incurs, upon conviction, a penalty not exceeding \$50; or the person giving such notice, or requiring the Inspector to give it, may, in an action as for personal wrong if brought within six months thereafter, recover from the person notified a sum not less than \$20 nor more than \$500, as the court or jury awards.

A married woman may bring such action in her own name without any authority by her husband, and the damages recovered by her shall go to her separate estate. In case of death of either plaintiff or defendant the action and right of action survive to the legal representatives.

If after the service of such notice, any other person with a knowledge of such notice gives, sells or procures for or on behalf of such drinking person any liquor incurs, upon conviction, for every such offence a penalty not less than \$25 nor more than \$50.

724. Money for Liquor Illegally Sold. Payment for liquor illegally furnished cannot be collected, and if payment in any form whatever has been made it may be recovered back from the receiver.

Every sale, transfer, conveyance or lien notes or securities of any kind, given on account of liquors illegally furnished, are wholly null and void, unless they have come into the hands of third parties without notice for value.

COLLECTORS AND THEIR DUTIES.

In cities and towns the Collector shall call at least once on the person taxed at his usual place of residence or place of business, and demand payment of the taxes payable by such person; or he shall leave with such person, or at his place of residence or place of business, a written or printed notice, specifying the amount of the tax, and shall immediately after such demand or notice enter the date on the collection roll opposite the name of such person.

In municipalities other than cities and towns he must make the personal demand, unless empowered by by-law to serve the written or printed notice.

725. Sale for Taxes. In case a person neglects to pay his taxes for fourteen days after such demand or being served with such notice, unless there is a by-law for payment of taxes by instalments, the Collector may, by himself or his agent levy the same, with costs, by distress:

1. Upon the goods and chattels of the person actually assessed wherever found within the county. The goods of a tenant not assessed are not liable. (See Section 730.)

2. Upon goods on the premises, including his interest in such goods he may possess under a contract for purchase, or is to become the owner of after performance of certain conditions.

3. Upon the goods and chattels of the owner of the premises, whether such owner is assessed for the premises or not.

4. Upon any goods and chattels on the premises where title is claimed in any of the following ways:

(a). By virtue of an execution against the owner or person assessed; or,

(b) By purchase, gift, transfer or assignment from the owner or person assessed, whether absolute or in trust, by mortgage or otherwise; or,

(c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the owner or person assessed, or by any relative of his who lives on the premises as a member of the family; or,

(d) Where the goods liable for the taxes have been exchanged between two persons, by the one borrowing or hiring from the other, for the purposes of defeating the claim or distress for taxes.

By this section it is clear that in case a bailiff has seized, under an execution, or chattel mortgage or landlord's warrant, goods liable for the taxes, and which goods are still on the premises, the tax collector has priority of claim, and will take the chattels unless the taxes are paid or guaranteed.

726. Exemptions. (a) Goods on the premises belonging to third parties, where the owner or person assessed is not in possession.

(b) Goods in the possession of the owner or person assessed for the purpose of storing or warehousing the same, or for selling on commission, or as agent, or as assignee.

(c) Goods exempt by law from seizure under execution shall not be

liable to seizure for tax, unless they are the property of the person who is actually assessed for the premises and whose name appears upon the Collector's Roll for the year as liable therefor. (This clause saves a tenant's exemption from seizure for the landlord's taxes.)

The person claiming any of the aforesaid exemptions shall select and point out the goods and chattels to which he claims exemption.

127. Levying Under Warrant. If a collector has good reason to believe that a person liable for taxes is about to remove such goods as are liable for distress for the same out of the municipality before the time has expired, he may, after making affidavit to that effect before the mayor or reeve, or a justice of the peace, obtain a warrant to levy on such goods at once for the taxes and costs. The costs would be the same as allowed to a bailiff of the Division Court.

No charge shall be made in connection with such distress unless such thing has actually been done, without such person rendering himself liable to the regular penalties provided by statute for excessive and illegal seizure.

128. As to Non-Residents. A non-resident whose name appears on the roll, the Collector shall transmit, by post, to him at the address given a statement and demand for the taxes charged against him, and enter the date of transmission on his roll opposite the name.

One month after the delivery of the roll to the Collector, and fourteen days after the demand was transmitted by post, the Collector may make distress of any goods and chattels which he may find upon the premises, in the same manner and subject to same limitations as previously stated for resident taxpayers.

129. Sale for Taxes. The Collector shall post up in at least three public places in the township, village or ward where the sale of the goods is to be made, give at least six days' public notice of the time and place of sale, and name of person whose property is to be sold. At the time named in the notice the Collector, or his agent, shall sell by public auction the goods and chattels, or so much of them as may be necessary.

The surplus, if unclaimed by any other person on the ground of the property sold belonging to him, or entitled by lien or otherwise to the surplus, shall be returned to the person in whose possession the property was when the distress was made.

If the right to the surplus is contested, the Collector shall pay it over to the treasurer, who will hold the same until the respective rights of the persons are legally determined.

If taxes cannot be recovered as provided by this Act, they may be recovered, with interest and costs, as a debt due the municipality.

130. Tenant and Taxes. Where taxes are due upon premises occupied by a tenant who is not liable to pay the same, the Collector may give such tenant notice, in writing, requiring him to pay such collector the rent as it becomes due until the amount of taxes and costs are paid. The Collector has same authority as the landlord to collect such rent, by distress or otherwise.

131. Return of Roll. In towns, villages and townships the Collector shall return his roll to the treasurer, on or before the 14th day of December in each year, or on such other day in the next year, not later than the 1st day of February, as the Council may appoint, and pay over to the treasurer the amounts for all the rates according to his roll, and make oath that the dates given therein when demands and notices were made are truly stated.

The Collector of every town and village shall pay over to the treasurer once every week the amounts collected, until the final return of the roll.

And the Collector of every township shall pay over to the treasurer every two weeks until the final return of the roll.

In case the Collector fails to collect any portion of the taxes by the day appointed for the return of the roll the Council, by resolution, may authorize the collector or some other person to continue the collection of taxes.

The councils of cities may, by by-law, fix the time for the return of the roll, and make any enlargements of the same deemed advisable.

132. Unpaid Taxes. The Collector is required to give an account to the treasurer of all taxes, if any, that he has been unable to collect, and to enter upon the roll opposite such names the reason why he could not collect the same, as "*Non-resident*," or "*Not sufficient property to distrain*," or "*Instructed by Council not to collect*," as the case may be. Collector shall also furnish the Clerk with a duplicate of such account, who shall mail a notice to each person on the roll with respect to whose land any taxes appear to be in arrear for that year.

Unpaid taxes are a lien upon the land, and have preference over all other claims or encumbrances except the Crown, and need not be registered to preserve the lien.

In cities, the Treasurer shall give such notice instead of the Clerk, as for other municipalities.

133. Three Years in Arrears. 1. The treasurer of every county shall furnish the Clerk of each municipality (except cities and towns) in the county and the treasurer of every city and town shall furnish to the Clerk of his municipality a list of all the lands for which the taxes have been in arrears for the three years preceding the 1st day of January in any year. Such list shall be furnished on or before the 1st day of February in each year.

2. The local Clerk is required to keep such list on file in his office, open for inspection, and deliver a copy thereof to the assessor in each year as soon as the assessor is appointed.

3. The assessor is required to ascertain if any of the parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants, and also the owners, if known, that the land is liable to be sold for arrears of taxes, and to enter in the columns for such purpose the words "*Occupied and parties notified*," or "*Not occupied*," or "*Incorrectly described*," as the case may be, and signed by the assessor and returned to the Clerk with the Assessment Roll, and a memorandum of

any errors that may be discovered. The Clerk shall file the same in his office, and forthwith furnish the county treasurer a true copy of the same certified by him and under the corporate seal. He shall also furnish such treasurer with a list of such parcels of land as have become occupied, or incorrectly described.

4. The Clerk of each municipality, in making out the Collector's Roll of the year, shall add such arrears of taxes as are returned by the county and city or town treasurer, respectively, to the taxes assessed against such occupied lands, and such arrears collected the same as the taxes upon the roll for the current year.

If there is not sufficient distress upon any of the occupied lands to satisfy the total amount of taxes for arrears and for current year, the Collector shall so return it in his roll to the treasurer of the municipality, showing the amount collected and the amount remaining unpaid.

5. The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the Collector's Roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates to be collected.

6. In case it is found by the statement mentioned in preceding clause, that the arrears of taxes upon the occupied lands of non-residents remain in arrears, such lands shall be included in the next ensuing list of lands to be sold by the County Treasurer, and need not be again placed on the Collector's Roll.

7. The penalty for clerks, assessors, treasurers, or other officers, neglecting to perform such duties as here required of them, is a fine of from \$100 to \$200, and imprisonment until the fine is paid; or both, fine and imprisonment.

134. Who to Receive Taxes. After the return of the roll to the treasurer of a township or village and before the statement of unpaid taxes has been sent to the County Treasurer, arrears of taxes may be paid to the Local Treasurer, but after that time payments may be made to the County Treasurer.

135. Interest on Arrears. 1. If, at the balance to be made on the 1st day of May in every year, there are arrears due on land, the Treasurer shall add ten per cent. *per annum* to the whole amount then due.

In municipalities where, by by-law, taxes are payable by instalments and five per cent. added in default of such payments, then only five per cent. shall be added at 1st of May instead of ten per cent., or such per cent. as will make the total not less than ten per cent., if less than five were previously added.

2. In cities having 100,000 or more inhabitants at the balance to be made on the 1st day of May, the Treasurer shall add to the whole amount of arrears due on lands the legal rate of interest; and in every municipality where, by by-law, taxes are payable by instalments and a percentage has been added by reason of default in payment of such instalments, the Treasurer shall add to the balance remaining unpaid upon the 1st day of May the legal rate of interest, less whatever has already been added by reason of default.

736. Lands Sold for Taxes. 1. Where a portion of the tax upon any land has been due for three years or longer, the Treasurer shall, unless otherwise directed by by-law of the County Council, submit to the warden a list in duplicate of all the lands liable to be sold for taxes. The warden shall affix his signature and the seal of the corporation to each of such lists, deposit the one with the County Clerk and return the other to the treasurer, with a warrant annexed under the hand of the warden and the corporate seal, commanding the treasurer to levy upon such lands for the arrears and costs.

2. The Council of a county, city or town shall, by by-law passed for that purpose, have power from time to time to extend beyond three years the time for the enforced collection by sale of lands.

3. The County Treasurer shall prepare a copy of the list, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising and for the commissions to be paid to him, distinguishing the lands patented, unpatented, or under lease or license from the Crown, and publish the same weekly for thirteen weeks in some newspaper published within the county, giving the day and place of the sale, which time shall be more than ninety-one days after the first publication of the list. A notice of the sale must also be posted up in a public place at the Court-house at least three weeks before the time of sale.

In cities, instead of advertising as here stated, the Treasurer may have the advertisement published in the *Ontario Gazette*, as herein provided, and then in two newspapers published in such city announcing that such lists of lands for sale have been prepared, and may be seen at his office, and that such list is being published in the *Ontario Gazette*, giving the dates of such publication, and that in default of payment of such taxes on or before the date fixed for the lands so entered in the list will be sold.

If no bidders appear the Treasurer may adjourn the sale.

If a sale cannot be effected for the full amount of the taxes, the Treasurer shall adjourn the sale for not less than one week nor more than three months, and then after the proper advertisements, unless otherwise directed by the Council, he shall sell the lands for any sum he can realize, and accept such sum as full payment for such arrears of taxes. The owner of such land cannot, however, redeem the same except upon payment in full of the taxes and the expenses.

4. The municipality may, if the price offered at such adjourned sale is less than the arrears, purchase such parcels of land, and if the municipality before the day of such adjourned sale has given notice, in writing, of its intention so to do. Lands thus purchased by the municipality are to be sold within three years. The original owner cannot redeem without payment in full of all the arrears and expenses.

5. The treasurers of the townships of York, Scarborough and Etobicoke shall not sell for taxes a *portion* of any vacant lot laid out according to any registered plan, the frontage of which does not exceed 50 feet, but the *whole* lot shall be sold for the best price that can be obtained at the sale.

6. No sale for taxes shall be made of unpatented land in the free grant districts where the taxes in arrears are less than \$10, nor where no *bona fide* improvements have been made.

7. If the purchaser fails to pay immediately to the Treasurer the amount of the purchase money, the treasurer shall forthwith again put up the property for sale.

8. The Treasurer shall give to each purchaser of such land a certificate under his hand describing the land, and stating that a deed of conveyance, according to the nature of the interest sold, will be executed by the treasurer and warden, on demand, at and any time after the expiration of one year from the date of such certificate, if the land is not previously redeemed.

The purchaser is not liable for any damage done, without his knowledge, to the property during the time the certificate is in force.

From the time of tender to the treasurer of the full amount of redemption money required by statute the purchaser ceases to have any right in the land.

9. The owner may, within one year, redeem the estate sold by paying purchase money and ten per cent. thereon.

If not redeemed within one year, exclusive of the day of sale, the purchaser may, upon demand and payment of \$1, obtain from the treasurer a deed for the property.

Such deed must be registered within eighteen months after the sale, otherwise such purchaser shall be deemed to have lost his priority against a purchaser in good faith who has registered his deed prior to the deed received from the warden and treasurer.

Such deed shall be valid and binding if not questioned before some court of competent jurisdiction within two years from the time of sale.

737. Defective Deed. If the conveyance for land sold for arrears of taxes is found to be invalid because of incorrect or insufficient description of the lands assessed, or sold, and the title of the tax purchaser is not valid, and the tax purchaser has entered upon the land, and has improved the same, and he is liable under an action to be ejected, the judge shall assess, or direct the jury to assess, damages to the defendant for the amount of the purchase money and interest thereon, together with the loss sustained by any improvements made before the commencement of the action, less the value of any timber that may have been sold off the lands and other just allowances.

If the judgment is in favor of the plaintiff, no writ of possession shall issue until after the expiration of one month, and until the plaintiff has paid into court the amount of such damages.

In any case in which the title of the tax purchaser is not valid, or in which no other remedy is provided in this Act, the tax purchaser has a lien on the lands for the purchase money paid at such sale and interest thereon at the rate of ten per cent per annum, and for the amount of taxes paid by him since such sale and interest thereon at the aforesaid rate, to be enforced against the lands in such proportions as regards the various owners and in such manner as the High Court thinks proper.

738. Arrears of Taxes in Cities and Towns. In cities and towns the arrears of taxes shall be collected and managed in the same way as provided in case of other municipalities, and for such purposes the

municipal officers of cities and towns shall perform the same duties as the like officers in other municipalities; and the treasurer and mayor of cities and towns shall, for such purposes, perform like duties as hereinbefore in case of other municipalities imposed on the county treasurer and warden, respectively.

POLICE VILLAGES.

On the petition of any of the inhabitants of an unincorporated village, the County Council may, by by-law, erect such village into a police village, and assign thereto such limits as may seem expedient, name the place for holding the first election of trustees and the Returning Officer.

739. Trustees. Every police village shall have three trustees. The qualifications for a trustee are: Residence within the village or within two miles thereof, and having the same property qualifications as are required for township councillors. If there are not six persons so qualified, then any elector entitled to vote at the election may be elected.

The qualification for a voter is the same as for a township election.

740. Nomination and Election. After the first election the trustees, or any two of them, shall from time to time appoint, in writing, the Returning Officer and the place for holding the nominations and elections.

No election shall be held in a tavern or any place licensed to sell spirituous liquors.

Nomination meeting shall be held at noon on the last Monday in December annually, except when in case Monday falls on Christmas, then it shall be on the previous Friday.

The police trustees are to give at least six days' notice of such nomination meeting. The Returning Officer shall preside, or, if absent, a chairman may be chosen by the electors.

If only three candidates are proposed and seconded, the Returning Officer, or chairman, after the lapse of one hour, shall declare such candidates duly elected.

If more than three are duly nominated, then the Returning Officer, or chairman, shall adjourn the proceedings until the first Monday in January, when a poll shall be opened at nine o'clock a.m. and continue open until five p.m.

The acting Returning Officer shall, on the day following the nominations, post up in the office of the township clerk, if situated within the police village, and if not, then in some other public place in the village, the names of the persons nominated, and if a poll is necessary, demand, in writing, from the Clerk of the Township a list of those who are entitled to vote.

The Clerk of the Township shall, not later than the day preceding the opening of the poll, deliver to the Returning Officer such list of qualified voters duly authenticated.

The various sections of the Municipal Act relating to township councillors, including nominations and elections, questions to be put to

voters, oaths to be administered, etc., shall apply to police village trustees, except where otherwise specially provided.

The Returning Officer, whether otherwise qualified or not, has a casting vote, and has the same powers for preserving the peace as are given to returning officers or deputies at municipal elections.

The Returning Officer shall, on the day after the election, return the ballot papers, voters' lists, and all other documents relating to the election to the Township Clerk, or in case the village lies in more than one township, then to the Clerk of the County, verified under oath before such clerk or a justice of the peace.

741. In the Case of Vacancy the remaining trustees shall, by writing, appoint a trustee to fill the vacancy, and file the writing with the aforesaid clerk.

742. Inspecting Trustee. The trustees, or any two of them, shall appoint, by writing, one of their number to be an inspecting trustee, and the writing shall be filed with one or the other of the aforesaid clerks, as the case may be.

743. The Oath of Office and qualification must be taken within the time and in the manner prescribed for township councillors, and are under like penalties in case of default. They hold office until their successors are elected, sworn into office, and hold their first meeting.

744. The First Meeting shall be held at noon on the third Monday in January after the election.

745. Providing for Expenditure. The trustees may, before the first day of June, require the Township Council to levy a rate in the village to cover necessary expenditure for that year, but such rate not to exceed one cent in the dollar of the assessed value of the property liable to assessment, and such rate shall be in lieu of the township rate levied for similar purposes.

746. Duties and Powers of Trustees. The trustees may pass by-laws for building sidewalks and culverts, making drains, repairing streets, etc. If the village is in more than one township then a proportionate share be provided for by each.

The Township Treasurer, if he has in hands not otherwise appropriated, shall pay over to the order of the inspecting trustee or any two trustees to the extent of moneys levied for village purposes, although the same may not then have been collected.

Such orders must only be given in payment for work or contracts actually performed.

747. Fire and Light By-Laws. A police village desiring to purchase fire engines, or provide for water, light or heat for use of the inhabitants, the Township Council shall, upon application by the village trustees, submit a by-law to the ratepayers entitled to vote on money by-laws, for the issue of debentures for a period not exceeding ten years, and for levying a special rate for the payment thereof. The assent of the rate-

payers being obtained, it shall be the duty of the Council to raise such sum. The debentures issued to be in conformity with Section 386, Chap. 223, R. S. O., 1897.

The money thus raised remains in the hands of the Township Treasurer, to be paid upon the orders of the village trustees.

148. For Public Parks, exhibition grounds, etc., it requires a petition to the Township Council, signed by three-fourths of the rate-payers entitled to vote on money by-laws. The debentures issued must be payable within ten years. The assent of the electors not necessary to the validity of the by-law.

149. General Regulations to be enforced by police trustees and the penalties attached for violation of same are as follows:

Ladders for houses more than one storey high; penalty for omission, \$1, and \$2 for each week the omission continues.

Two fire buckets: penalty \$1 for each bucket deficient.

Chimneys for furnaces and ovens must be three feet higher than the house in which they are built: penalty \$2.

Stovepipes to be four inches from any wood work: ten inches between a stove and wood work: penalty \$2.

Prohibiting any lighted candle or lamp, unless properly protected; or lighted pipe or cigar being taken into any mill, barn or outhouse; or to have a fire in such wooden building, unless properly secured; or carrying fire through any street or other public place, unless properly confined; lighting fires in any street or other public place: penalty \$1 in each case.

Placing hay, straw or other fodder in a dwelling-house: penalty for first offence \$1, and \$5 for every week such fodder remains there.

Keeping ashes or cinders in a wooden box or vessel, not lined with metal; penalty \$1: placing unslacked lime where it comes in contact with the wood of any building: penalty \$1, and \$2 a day until the lime has been removed or secured so as to satisfy the inspector there is no danger.

Erecting a furnace for making charcoal: penalty \$5.

Keeping gunpowder for sale, unless in boxes of copper, tin or lead; penalty for first offence, \$5, and \$10 for every subsequent offence.

Selling gunpowder at night: penalty \$10 for first offence, and \$20 for each subsequent offence.

Throwing filth or rubbish in a street, lane or public place: penalty \$1, and \$2 for every week he neglects to remove the same after being notified by the inspecting trustee or other person authorized by him.

The inspecting trustee, or in his absence or if he is the person complained against, one of the other trustees, shall sue for the penalties under these regulations.

Prosecutions must be entered within ten days after the offence has been committed, or ceased; and case tried by a justice of the peace, and fines to be paid over to the pathmaster and used in repair of the streets as the trustees shall direct.

Police trustees who wilfully neglect to prosecute an offender at the request of a resident householder who offers to adduce proof, or who wilfully neglect any other duty enforced under the Act, are liable to a penalty of \$5.

PARLIAMENTARY RULES OF ORDER AND DEBATE.

There has grown up contemporaneously with British constitutional government and freedom of speech, a parliamentary law—a code of rules and usages—governing the proceedings of all deliberative, legislative, and public bodies in the realm, which has been adopted with slight modification by all the English-speaking nations.

The following summary of this common law of Parliament as modified, adapted, and established by usage in the Dominion of Canada, will serve for all our deliberative assemblies and legislative bodies, fraternal associations, lodges, conventions, and political meetings which have no constitutional or statutory provision made for their guidance in the discussion of questions and conduct of their business.

150. Meaning of Terms. *Meeting* means the interval of time between the assembling and closing by adjournment for the time or day. *Session* or *Sitting* means the duration of the meetings from day to day or week to week, as the case may be, until the proceedings come to a close by prorogation or otherwise.

151. The Presiding Officer. Every assembly or body of men organized for the discussion of any question or transaction of any business must have a presiding officer. Such officer may be called the *Speaker*, or *President*, or *Moderator*, or *Chairman*, etc., but the functions of the office are much the same in every case.

In the respective municipal councils the presiding officer is called *Mayor*, *Warden* or *Reeve*.

In the various fraternal and benevolent associations special and distinctive names are usually given the presiding officer as well as other officials.

The presiding officer is figuratively denominated the *Chair*.

In addressing these officers it is in good form to call them by their special title—as, Mr. Speaker, Mr. President, Mr. Chairman, Mr. Moderator, etc.

In most cases provision is made to have one or more vice-presidents, or a deputy speaker, etc., to take the place of the presiding officer during his absence.

152. Duties of President are chiefly:

To promptly open the meeting or session by taking the chair at the appointed time, or when a *quorum* is present, as the case may be, and call the members to order.

To maintain order and decorum in the assembly.

To follow the rules of order rigidly in the conduct of the proceedings, except where legally changed.

To receive and submit to the members all proper motions and propositions presented by the members.

To read all motions before submitting them to the members for discussion or vote.

To put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result.

To restrain members within the rules of order when engaged in debate.

To submit all proper motions or resolutions to the final decision of the meeting either by their voices, by show of hands, or poll, or by a formal recording of the yeas and nays, as may be required.

To decide all questions of order and procedure referred to the chair, but subject to an appeal to the house.

To state the rule or authority applicable to the case when explaining a point of order or practice.

To acquaint the meeting before putting any motion offered what, in his opinion, is contrary to the rules or in any way irregular, and to quote the authority applicable to the case.

To interrupt a speaker who uses language clearly out of order or unparliamentary.

To adjourn the meeting when the business for which it was convened is concluded, or a motion for adjournment is carried.

The presiding officer must not take part in any debate before the house.

If he wishes to speak to a question a deputy must take the chair.

The presiding officer has a casting vote when the assembly is equally divided, except in cases where he is restrained.

753. Election of Speaker, President or Chairman. In Parliament a member rises in his place and, addressing himself to the Clerk, says, "I move that A. B. do now take the chair of this House as Speaker." The motion being seconded and no other motion being made, the question would be put by the Clerk. The motion may be debated.

If more than one member should be proposed and seconded each motion would be in the same words as the first. The different motions are put by the Clerk in the order they are made, that the member first proposed "do take the chair of this House as Speaker." If the question should be resolved in the negative then the member next proposed would be put by the Clerk to the House, and so consecutively until an election is secured.

When the question is resolved in the affirmative, the Speaker-elect is conducted to the chair by the members who proposed and seconded the motion for his election, where he acknowledges the honor the House has conferred upon him. In all other cases, except for the Speaker of the House, the amendments would be voted on first. As this is the parliamentary usage in both England and Canada, it is decidedly advisable that all other bodies, associations, and assemblies in Canada should adopt the same practice.

The same procedure is followed for the election of a president, or chairman, or moderator, etc. A candidate may vote for himself, but it is unusual to do so.

Mayors and reeves are elected by the respective municipalities, and wardens elected by the County Council.

754. Election of Warden. As has been stated in sections 127, 131 and 132, the County Clerk shall preside at the first meeting of the new

Council for organization and election of warden. In his absence the members of the Council may elect one of their own number to preside.

After reading and filing the certificates of election, and the declarations of office and qualification have been taken by the members, and a majority (quorum) of the whole Council being present, the Clerk or other presiding officer will call for nominations for warden in accordance with the provisions of any by-law of the Council for such election.

One method is for the Clerk to give the required length of time, say fifteen minutes, for such nomination, and at the expiration of such time to distribute slips of paper among the members on which to write the name of the nominee for whom they vote. The ballot papers being collected the Clerk, with the assistance of two members who are not nominees whom he shall choose, shall proceed to count the votes. In case of the requisite majority for any candidate he is declared duly elected; if there has not been a clear majority of the members present for any one candidate, then the name of the candidate receiving the lowest number of votes is dropped and another ballot taken, and so on until an election is secured. In case no one of the nominees receives the requisite majority, new nominations may be taken and proceeded with as before.

The preferable method is, and, in the absence of any rule or regulation of the Council, the election will be by open vote by *yeas* and *nays*.

The usual form for such nomination is: "I move that Mr. A. B. be warden for the present year." If this motion is seconded and receives the votes of a majority of the members present the candidate is declared duly elected. If the first candidate fails to secure the majority vote, the motion for the next nominee will be put to the Council, and so on until an election is secured.

In case of an equality of votes (a tie) see Section 132.

155. Organization, and Election of Chairman. In political, religious, or other conventions or public meetings, the organization and election of a chairman or president are very similar in each case. The usual course, where no previous arrangement or organization has provided a chairman, is, for some one interested in the purpose of the meeting and possibly responsible for its being called, to call the assembly to order and ask for the nomination of a chairman, or for himself to move, "That Mr. A. B. do take the chair." This motion being seconded, it is put to the meeting in the usual way. In case another person should be nominated, the motions are put in the order in which they are made. The usual method of voting is by raising the hand, or, in assemblies where every person is seated, it is a common method to ask members to rise in their places, and in either case the temporary chairman or secretary or tellers will count the votes for and against the motion.

When a chairman is elected he takes the chair and proceeds in the same manner to complete the organization of the assembly by the election of a permanent secretary and other officers deemed necessary.

An organization thus effected is frequently sufficient for all the purposes of the meeting; but if, for any reason, it is desired to have a greater number of officers, or to have them selected with more deliberation, it is the ordinary practice to organize temporarily in the manner previously

mentioned, with a chairman and secretary appointed *pro tempore*, and then to refer the subject of a permanent organization and the selection of candidates for the respective offices to a committee, upon whose report the meeting then proceeds to organize itself conformably thereto, or in such other manner as it thinks proper.

In the event of members to the convention being delegates elected, as in case of political conventions, by the various districts, or in case of other conventions, by various lodges or unions, each delegate should have his certificate of election duly signed to go before the Committee on Credentials to entitle him to a voice in the proceedings of the convention. The *alternates* or *substitutes* elected to attend should also have their credentials in proper form for presentation.

In all deliberative assemblies, the members of which are chosen or appointed to represent others, it is necessary, before proceeding to business, to ascertain who are duly elected and returned as members, in order not only that no person may be admitted to participate in the proceedings who is not regularly authorized to do so, but also that a list of the members may be made for the use of the assembly and its officers.

The proper time for this investigation is after the temporary and before the permanent organization; or, when the assembly is permanently organized, in the first instance, before it proceeds to the transaction of any other business; and the most convenient mode of conducting it is by the appointment of a committee to receive and report upon the credentials of the members. The same committee may also be charged with the investigation of rival claims, where any such are presented.

When a question arises, involving the right of a member to his seat, such member is entitled to be heard on the question, and he is then to withdraw from the assembly until it is decided; but if, by the indulgence of the assembly, he remains in his place during the discussion, he ought neither to take any further part in it, nor to vote when the question is proposed.

The following form of motion in appointing the committee would be sufficient:

I move "That (name three or five members) be appointed a select committee to examine and report, as soon as possible, on the credentials of delegates to this convention." Such motion is debatable, and may be amended by adding thereto or substituting other names.

When this committee has been chosen, it should proceed at once to the discharge of its duties. During the interval, while it is examining the credentials of delegates, the assembly may be adjourned for a definite time, or at the call of the chair, or the time may be occupied by the Chairman's address, which would likely be a review of the questions of the day, if a political convention; or of the questions affecting the meeting, if some other convention.

After the report of the committee has been disposed of and the meeting properly constituted, if it is a political convention, the chairman will call for the nomination of a candidate. When a candidate has been nominated and seconded the chairman will propose the motion, and at the same time ask if there are further nominations. If there are no other names proposed,

the chairman will at once take the sense of the convention in the usual way, and if the "yeas" are given unanimously he will declare the candidate the unanimous choice of the convention. Congratulations to the candidate are then in order, the candidate's acceptance and, if he is so disposed, an address on the issues before the electors.

If more than one candidate is nominated, the chairman will propose each motion in the regular way and when all are nominated the members may discuss the claims of each. It is usual to limit the time for each speech and also to determine in what way the vote shall be taken. The candidates themselves, upon accepting the nomination or declining the honor, as the case may be, usually occupy part of the time allowed to speakers, as to them seems desirable or diplomatic. In case a candidate wishes to withdraw his name, the chairman should put the question whether the member who proposed the candidate have leave to withdraw the motion, and if accorded, such name is dropped from the list of candidates.

When the convention is ready for a vote, the chairman must put the question or the name of the candidate first proposed, according to the method previously decided upon for taking the vote. The same routine would be followed as for the election of speaker or president already given, which see Section 753. The vote may be by voices, show of hands, yeas and nays, or by ballot, as agreed upon. If the yeas and nays are taken, the secretary will, from his list of delegates, call each name alphabetically, which will be recorded. It is advisable, especially on a close vote, to read over the names on each side so that delegates may be able to correct any mistake that may perchance have been made. The secretary then announces the total number of yeas and nays recorded, and the chairman will thereupon declare the motion carried or lost. If the vote is in the negative, the next motion will be proceeded with in the same manner.

Voting by ballot, previously mentioned, is more expeditious, and when used and the ballot papers have been counted and the results reported to the chair, the chairman will in effect say, "The whole number of votes cast is _____; the number necessary for an election is _____ (generally a majority of all the votes cast); of these Mr. A. received _____, Mr. B. _____, Mr. C. _____; Mr. A. having the required number of votes is the candidate duly elected by this convention (to contest this constituency, or as the case may be)." If no candidate receives the requisite majority, another ballot must be taken until an election is secured.

Where only one candidate for an office is nominated, it is usual to suspend by motion the rule for a ballot and elect such candidate by acclamation—unanimously. In lodges it is a common practice to authorize the secretary, or herald, or other officer, to cast the vote of the lodge for such candidate.

In cases where it is deemed desirable, the ballot could be taken in a similar manner to that provided for municipal elections. (See Section 80.) Instead of a voters' list, the secretary or an assistant would call the roll of delegations and each delegate as called would come to the table, receive a slip of paper from the Clerk, mark it with his cross (x) opposite the name of the candidate for whom he votes, or write the name of the candidate, as

the case may be, and hand the same folded to the Clerk, who would initial the same and place it in a box prepared for the occasion. The vote being polled, the secretary would in the presence of two scrutineers, appointed by the chair, open the box and count the votes and announce the result. When the vote is by ballot the chairman may vote the same as a deputy returning officer at municipal elections, and as a matter of courtesy would be allowed to vote first; but when the vote is by yeas and nays he would not vote, except in case of a tie.

When the convention has made its choice of a candidate who is present, he should formally thank the members for their confidence and the honor conferred upon him. Other addresses are then in order.

756. The Rights and Duties of Members are based upon the principle of their absolute equality among themselves. Every member is therefore, with every other member, bound to attend the service of the house or the assembly, unless leave of absence is obtained from the House. On account of urgent business, or his own illness, or the illness or death of a near relative, or other sufficient cause, leave of absence may be given by the House to such member. During the continuance of such leave of absence the member's legal rights are not affected, but he is simply excused from attendance in the House or serving on committees. Every member has the same right with every other member to submit his propositions to the assembly, to explain and recommend them in discussion, and have them carried to a proper termination.

It is the positive duty of every member so to conduct himself, both in debate and in his general deportment in the assembly as not to obstruct any other member in the enjoyment of his similar and equal rights. These duties will be considered under the headings of "Debate" and "Decorum."

757. A Quorum. All our legislative bodies have the number of members required for the transaction of business fixed by statute or their own by-laws. In the absence, however, of such constitutional provision or regulation, the common law makes a *majority of all* the members a quorum for the transaction of business. In committees of the whole, or any special or standing committee, where the appointing body does not name the number of members required for a quorum, the same law prevails.

No meeting shall be opened until a quorum is present, or continued after it is wanting.

If after the meeting is in progress and the attention of the presiding officer is called to the fact of the want of a quorum, the meeting shall be adjourned until a quorum is present. In Parliament, in such case, the Speaker would commence to count the members while the bells are being rung, and the members counted as they enter. If a quorum fails to appear, the Speaker adjourns the House and the Clerk records the names of those present, in the Journal, at the time of the adjournment.

Any question before the meeting at the time of adjournment for want of a quorum, drops from the paper, but may be revived after notice and proceeded with from the stage where the interruption occurred.

758. Order of Business. In Parliament, the Clerk of the House places on the Speaker's table every morning before the meeting of the House the order of proceedings for the day, which must be taken up in the regular order without any change. A motion may be taken out of its appointed order providing no one objects—the assent being unanimous, is called "Universal assent."

In the various organizations and associations throughout the country the "Order of Business" is frequently changed by consent of the members, but even one person objecting it cannot be done, unless such provision is expressly made. Some municipal councils provide, by their by-laws, for a suspension of rules by a two-thirds vote; but where this is not done the assent must be unanimous.

759. Orders of the Day. Every assembly, in order to the intelligent transaction of business, must have printed or otherwise prepared their order of proceedings for their regular meetings. The following is that adopted by the Toronto City Council:

(1) Reading of minutes, (2) Original communications, (3) Presenting petitions, (4) Enquiries and answers thereto, (5) Giving notice, (6) Introduction and consideration of bills, (7) Presentation and consideration of reports of the executive and other committees, (8) Motions, (9) Unfinished business.

This order of business, called "Orders of the Day," varies in all the municipal councils of Canada, as it will among the various associations to suit the varied conditions, but the above will suffice for a guide in preparing "Orders of the Day" by those who consult this book for that purpose.

760. Introduction of Business. The proceedings of a deliberative assembly are ordinarily set in motion, in the first instance, by a member either presenting a communication from persons not members, or himself submitting a proposition to the assembly.

The communication to the assembly may be merely for its information in matters of fact, or may contain a request for some action on the part of the assembly.

When a member wishes to present a petition or other paper, make or second a motion, or merely make a verbal statement, or to address the assembly in debate, he must in the first place (as the expression is) "obtain the floor." In order to do this he must rise in his place, standing uncovered, address the presiding officer by his proper title—as Mr. Speaker or Mr. President, or as the case may be. The latter, on hearing himself thus addressed, calls the member by his name; and the member may then, but not before, proceed with the business he has in hand.

In the event of two or more members rising and addressing the *chair* at the same time, or nearly so, the presiding officer should give the floor to the member whose voice he first heard. If this decision should not be satisfactory, any member may call it in question, by stating that in his opinion such a member (not the one named) had the floor first, and have the sense of the assembly taken thereon as to which of the two members should be heard. The question would be first taken on the name of the person announced by the presiding officer; and if this question should be

decided in the affirmative he will maintain the floor, but if in the negative then the question will be taken on the name of the other member for whom the floor was claimed.

761. Putting the Question. When the debate on a question is apparently closed and the House ready to vote, the Speaker (or chairman) puts the question by stating it, if necessary, and saying: "Is the House ready for the question?" If no one dissents or rises to speak, he then reads the question on which the decision of the House is first to be taken, and says, "Those who are in favor of the question (or amendment) will say 'yea,' those who are of the contrary opinion will say 'nay.'" When the supporters and opponents of the question have given their voices for and against the question, he will say, "I think the yeas have it," or, "I think the nays have it," or, "I cannot decide," as the case may be.

If the House does not acquiesce in the decision the "yeas" and "nays" may be called for.

In the House of Commons in that case the Speaker says, "Those who are in favor of the motion (or amendment) will please to rise." The Clerk, having before him a list of all the names printed alphabetically, will place a mark against each name as it is called. The assistant calls out the name of each member as he rises. When all the members in favor of the question have voted, the Speaker says again, "Those who are opposed to the motion (or amendment) will please to rise," and the names taken down in the manner just described. When all the names have thus been taken down the Clerk counts the votes and declares the number given on each side, when the Speaker announces, "The motion is resolved in the affirmative," or "passed in the negative," as the case may be.

If it was an amendment that was being voted on the Speaker or Chairman would then put the next question, and the House divide as before if called for.

In case of an equality of votes the Chairman may give the casting vote, and it is customary for him to state his reason. In municipal councils the head of the Council votes as a member, and in case of a tie the question goes in the negative. A question is fully put when both the "yeas" and "nays" have been taken.

762. Motions. 1. In Parliament all motions must be in writing and seconded before being debated or put from the chair, except a motion for the "previous question" and motions of ordinary routine business, such as adjournment or the reading of bills a first, second or third time, or disposing of communications, etc.

2. A motion that is not seconded must not be proposed from the chair or debated, neither shall there be any entry thereof made in the records of proceedings (minutes).

3. In Parliament, when a member proposes to bring a motion before the House, he must give due notice of the same for consideration on some future day, except it is a question of "privilege" or "urgency," when it may be immediately considered. Such motions as relate to the business of the House, or some matter clearly a case of urgency, may be made by the unanimous consent of the House without giving previous notice.

3. When a motion has been made and seconded, it is then to be read, or, in parliamentary language, to be proposed from the chair, when it becomes a *question* for the decision of the House.

The Speaker (or president) reads the motion at length, as: "Mr. (name) moves, seconded by Mr. (name), that," etc., and having concluded its reading he asks, "Is it the pleasure of the house to adopt the motion?" When the House is thus in possession of a question it cannot be withdrawn except by leave of the assembly without one negative voice. It may be debated, amended, laid over, superseded, resolved in the affirmative, or passed in the negative, or otherwise disposed of as the House may decide.

4. Every motion should commence with the word "That," and not with the word "Whereas." Bills have preambles commencing with "Whereas," but motions never. A motion agreed to becomes a resolution. In withdrawing a motion from the House the unanimous assent must be given.

When an amendment has been proposed to a question the original motion cannot be withdrawn until the amendment has been either withdrawn or negatived. Where an amendment to an amendment, neither the original motion nor the amendment can be withdrawn if the second amendment is persisted in until it is negatived.

5. A motion that has been decided in the negative cannot be proposed again as a motion, nor afterwards introduced as an amendment. The same holds good in respect to an amendment which has been negatived—a similar one cannot be introduced on a future day. In order to revoke such negative votes, the question in its essential parts, with sufficient variation to constitute a new motion or a new amendment, may be proposed: and it would be for the house to determine whether it were substantially the same question or a new one.

6. No motion or amendment which anticipates a matter already appointed for the consideration of the House, or what would be substantially similar may be introduced.

A member may require any question under discussion to be read at any time of the debate, except when a member is speaking. If manifestly done for the purpose of obstruction, the Chairman, in his discretion, may employ the prerogative of the chair to prevent it being so used.

763. Who May Not Vote. 1. Any member having a pecuniary interest in the matter being voted on, not in common with the other members, must not vote either in the House or on a committee. If such an interested member should vote his name will be struck off the record.

Any member believed to have such pecuniary interest in the question before the House, may have his attention called to such fact through the Speaker. If he cannot give a satisfactory explanation and presses his right to vote, the matter may be settled by a vote on a motion, "That the vote of — be disallowed," which, if being carried, the Clerk will strike the vote off the record.

2. A member who was not present in the House when the Speaker put the question must not vote. If he votes under such circumstances, and the Speaker's attention is called to the fact, he will ask, "Was the honorable member present in the House, and did he hear the question put?" If he replies in the negative his vote shall be struck off the record.

In case a member's right to vote be called in question he should be heard in explanation, and then to withdraw while the question is put, "That the vote of — be disallowed."

764. Members Voting. Every member in the House and hearing the question put by the Speaker must vote. If one fails to vote, and the attention of the Speaker is called to that fact, he will call upon the member to declare on which side he votes and the vote will be recorded. Those who do not wish to vote manage to be out of the House when the vote is taken.

If a member accidentally votes contrary to what he intended to vote it cannot be corrected.

If a member's name is incorrectly entered, or inadvertently omitted from the list, he may have it corrected when the Clerk reads out the names, or if not read out, then the next day when he discovers the error in the printed list of votes.

765. Debate on Motions. When a question has been "put" by the chair it is open for discussion. In Parliament there is no limit fixed to the length of a speech, but in many other assemblies it is advisable to limit the time allowed to speeches on motions before the House. A member should only speak once to the same question, except the mover of the main question, who has the right of reply. The mover of any amendment has no reply. Each member has a right to speak to the main question, to each amendment, and to an adjournment of the debate.

Adjournment. A motion for adjournment is always in order. It may be for the adjournment of the House or for the adjournment of the debate. A motion to adjourn the House, if carried, supersedes the question then under consideration.

It should then take this form: I move "That the House do now adjourn." No amendment is permissible, neither is it allowable to move an adjournment to a future day; but the motion should be pure and simple, as in the preceding wording of it. The adjournment of the House may be made while a matter is under discussion, or in the interval of proceedings. A motion for adjournment decided in the negative cannot be renewed until after an intermediate proceeding.

766. Amendments. When an assembly is satisfied with the subject-matter of a proposition, but not with the form of it, or with all its parts, or desires to make some addition to it, an amendment is intended to bring it into proper form to express the will of the House.

But when a proposition is regularly moved and seconded it is in the possession of the House and may be put into any shape or turned to any purpose that the assembly may think proper. Its enemies, therefore, may so amend it as to entirely alter its nature, and to make it bear a sense so different from what it was originally intended to bear that its friends, who first introduced it, may be forced to vote against it in its amended form. This is one way of defeating a proposition that would otherwise be carried if a straight vote were taken on it as first proposed.

Amendments must be relevant to the original motion as to subject-matter or they are not admissible.

No notice is ever required to be given in order to introduce an amendment, but it is subject to the Orders of the Day, or the order of business.

Amendments may propose :

1. To strike out certain words or parts.
2. To strike out certain words, in order to substitute others therefor.
3. To insert or add certain words thereto.

Not more than two amendments can be proposed at the same time to a question. That is, there cannot be more than three questions before the House at one time—the original motion, an amendment, and an amendment to the amendment. A motion, however, for adjournment would be in order. If neither of the amendments suit, and another one is desired to be introduced, the second amendment should be put to the assembly and negatived, and then introduce the desired amendment, as an amendment to the amendment.

An amendment once negatived by the House cannot be proposed again. Whatever is agreed to by the House on a vote, either adopting or rejecting a proposed amendment, cannot be afterwards altered or amended. An addition to the words may, if proposed at the proper time, be made, but no words can be struck out.

No addition can be made to question after the assembly has decided by vote that the words proposed to be left out should stand part of the question; and, if struck out, they cannot be restored.

Amendments that are merely inconsistent or incompatible with a question that has already been adopted, shall not on that account be suppressed by the chair, but may be rejected by the House.

367. Voting on Amendments. When an amendment is proposed to a motion the speaker or chairman will first state the original motion thus: "Mr. A. moves, seconded by Mr. B. that" etc. Then he will state the amendment: "To this, Mr. C. moves in amendment, seconded by Mr. D., that" etc. The chairman will then put the amendment first to the House as follows: "Is it the pleasure of the House to adopt the amendment?" If the amendment is defeated, the chairman will then propose the main question, which may be debated or amended again. But if the House adopts the amendment the chairman will then propose the main question again, thus: "Is it the pleasure of the House to adopt the main question so amended?" A member may then, if he so desires, propose another amendment: "That the main question as amended," etc., "be further amended by," etc.

If there is an amendment to the amendment, the chairman will take the sense of the House on the last amendment first: "Is it the pleasure of the House to adopt the amendment to the amendment?" If this second amendment is rejected, the chairman will then propose the question: "Is it the pleasure of the House to adopt the amendment to the main (or original) question?" when it is in order to move another amendment which must differ from the one rejected.

When an amendment to strike out certain words has been negatived, it cannot be again moved to strike out the same words or a part of them; but it may be moved to strike out the same words with others, or a part of the same words with others, provided the change is so substantial as to make it a different proposition from the former.

When a question or motion before the assembly consists of several sections, or paragraphs, or resolutions, the order of considering and amending it is to commence at the beginning and proceed through it in regular course by paragraphs. In case a latter part is amended, it is not in order then to recur back and make any amendment to a former part.

If the motion to strike out and insert is put to the House undivided and is decided in the negative, the same motion cannot be made again; but it may be made to strike out the same words and insert nothing, or to insert other words, or insert the same words with others; or to strike out the same words with others, and insert the same; or strike out part of the same words with others and insert the same; or strike out other words and insert the same; or to insert the same words without striking out anything.

If the motion to strike out and insert is decided in the affirmative, it cannot be then moved to insert the words struck out, or a part of them, or to strike out the words that were inserted, or a part of them; but it may be moved to insert the same words with others, or a part of the same words with others; or to strike out the same words with others, or a part of the same words with others.

368. Dividing Questions. When a motion comes before the House which comprises two or more separate propositions, so manifestly distinct that if one or more be taken away, the others may stand entire by themselves, the Speaker may put the questions on such propositions separately. In that case the debate would be restricted to the proposition before the House. A member may also move that such motions be divided and put separately.

369. To Lay on the Table. This motion is usually resorted to when the assembly has something else before it which claims its immediate attention, and therefore desires to lay aside a proposition or a communication for a time, but reserving to itself the power to take it up when convenient. The form of the motion to lie on the table is, I move "That the question be laid on the table." It cannot be debated or amended. If decided in the affirmative it cannot be reconsidered, and the principal motions, together with all the other motions, subsidiary and incidental, connected with it, are removed from before the House until it is again taken up. If decided in the negative, the business proceeds in the same manner as though the motion had not been made. It may subsequently be taken up by a member moving that the Assembly do now consider the question laid on the table, giving its nature and the date of tabling the same. Such question is not debatable and cannot be amended, but may be passed by a majority vote. If it is a communication, the motion would be "That the communication be received and laid on the table."

370. Postpone to a Certain Day. A motion made to postpone to a day certain may be amended by substituting a different day, is subject to the previous question, and the matter of postponement is debatable. If the motion for postponement is decided in the affirmative, the proposition to which it applies is removed from before the House with all its appendages and incidents; if decided negatively, that the proposition shall not be postponed,

that question then stands as it was, but may be suppressed by the previous question, or committed, or amended.

If decided in the affirmative, the question so postponed cannot be taken up before the time specified, except by a two-thirds vote of the members present. If left to the specified time, it has precedence over all questions, except the privileged ones.

Of several questions postponed, when they are taken up it shall be in the order of time to which they were postponed.

771. Indefinite Postponement, or the famous "Six months' hoist," is a motion intended to remove a question altogether. It cannot be amended, but it brings up the whole subject for discussion, and if decided in the affirmative, the proposition is quashed entirely. A negative decision has no effect on the main question; it cannot be made while the "previous question" is pending. This motion would not be used in municipal councils, or other assemblies having short sessions, as it would only bind for the one session. The motion more suitable for such bodies would be to postpone to the next meeting, or to some particular meeting, when it would come up under the order of "Unfinished business."

The American practice allows a motion to postpone indefinitely to be amended by making it to a day certain, and if any other day is desired it may be moved as an amendment to the amendment, or it may be moved as an independent motion after the amendment has been negatived.

But in Canada, and some States in the Union, the motion to postpone indefinitely *cannot* be amended, for the reason that one form of a motion cannot be changed into another directly contrary. A negative vote would be the only way of disposing of it, and then to make a new motion, if desired, embodying the sense of the House.

The motion for the six months' hoist would be: "I move that this bill be not now read (a second time), but that it be read (a second time) this day six months."

772. Motions to Commit, or to recommit, if the proposition has already been once committed to a committee, take precedence over motions to amend, or to indefinitely postpone. The motion may be debated, and also opens up the whole question which it is proposed to refer to committee. It may also be amended by substituting one kind of committee for another, or by enlarging or diminishing the number of members of the committee originally proposed, or by giving certain instructions to the committee. It yields to the usual "privilege questions," as adjournment, call for the orders of the day, fixing the time to which the House shall adjourn; questions relating to the privileges of the assembly, to appeals or questions of order, reading of papers, suspension of rules, leave to withdraw the previous question, and to postpone to a day certain. (The American use of the previous question would not allow the motion to commit to be superseded by the previous question if made before the latter).

If the motion to commit is decided in the affirmative, the proposition so committed is removed from before the Assembly, hence no ground left for the previous question, for postponement or amendment; if in the negative—that the motion shall not be committed—then the previous question, postponement, or amendment is in order.

273. The Previous Question in Canada is always given in this form: "I move that this question be now put." This motion stops all amendments on the main question until it is disposed of, and if there is an amendment already before the House, the previous question cannot be moved until the amendment is first disposed of, either by being withdrawn or voted down. While the previous question precludes all amendments from being introduced on the main question, it does not stop discussion on it, unless there is a special rule to that effect.

If the previous question is allowed to go to vote and is decided in the affirmative, the main question must be put forthwith, without debate or amendment, and if it is rejected the original motion cannot then be put on that day, because the House will have just decided by vote that it should not "be now put." Toronto City Council and some other municipal bodies follow the American procedure and allow both debate and amendment on the main question after the previous question has been negatived.

The procedure both in England and the United States differs somewhat from the practice in the Canadian Parliaments. With us, moving the previous question does not aim at cutting off debate, but simply to preclude amendments, and either to bring the debate to a close by voting on the previous question or to thresh out the question on the original motion. The chairman will put this question to the house like any other one, but it need not be allowed to go to a decision and the debate on the main question may proceed as before, unless there is a positive rule to the contrary. The motion, "That the House do now adjourn," while the previous question is before the House, is in order; so is it in order to move the adjournment of the debate on the previous question. The previous question is not used in committees. Where the motion to read the "orders of the day" has been made the previous question is not in order, as the other motion answers the same purpose.

274. Motion for Reconsideration. The parliamentary usage in Canada when a member desires to have a motion that has passed in the affirmative rescinded, or a motion decided in the negative to be brought up in another form for reconsideration, is to give such notice of the motion. The notice of motion to reconsider is usually given on the same day the motion was passed, or on the day following.

In municipal councils and other organizations and assemblies where the sessions are too short to permit of such notice to be given, regulations are usually provided to reconsider without notice, but only in accordance with specific rules, as that a majority or two-thirds vote favoring reconsideration be requisite. Where no regulations are provided, Cushing's rule, "a motion to reconsider must be considered in the same light as any other motion, and as subject to no other rules," may be safely followed.

In accordance with our parliamentary rules a member of a lodge or a council could give notice on the day or at the meeting that the motion was decided, that he would at the next meeting move to reconsider or rescind the motion in question.

In conventions, where it would not be possible to give notice, the following by-law of the city of Hamilton, which does not require a notice, would be a sufficient and safe guide.

Hamilton City Council has provided, by by-law, that "after any question, except one of indefinite postponement, any member who voted in the majority may, at the same or a subsequent meeting, move for a reconsideration thereof; but no discussion of the main question shall be allowed unless reconsidered; nor shall any question be reconsidered more than once."

London has the same regulations, except that a notice of the motion is required, and that the vote for reconsideration must receive a majority of two-thirds the members present and voting thereon.

775. Rules of Debate. 1. Except when the House is dividing, every member desiring to speak must rise in his place, uncovered, and address himself, not to the House or to any particular member, but to the presiding officer, as "Mr. Speaker," "Mr. Chairman," etc., and remain so standing while speaking. A person, through sickness or other infirmity, may, by special indulgence of the House, be permitted to speak sitting.

2. If two or more rise to speak at or nearly the same time, the Speaker will call upon the one who first rose in his place, or whose voice he first heard. (See Section 760.)

3. It is customary for the presiding officer, after a motion has been made, seconded and proposed, to give the floor to the mover, in preference to others, if he rises to speak; or on resuming a debate after an adjournment, if he desires it, to the mover of the adjournment in preference to other members; or where two or more members claim the floor, to prefer him who is opposed to the question.

Sometimes a member, instead of proposing his motion at first, proceeds with his speech by first stating that he intends to conclude with a motion, and informs the assembly what that motion is.

4. A new member in the House, or one who has not yet spoken, is usually, by courtesy, called upon in preference to other members.

5. In any of the above cases the decision of the chair may be overruled by the House, or a motion that one of the other members who may have risen "do now speak," or "be now heard," which motion will be decided as any other motion would be.

6. A member may use notes to aid his memory, but he must not read his speech.

7. One member should not disturb another member in his speech by hissing or coughing, etc., or by passing between the presiding officer and the member speaking; by going across the floor of the House, or walking up and down in it, or any other disorderly conduct.

8. A member is required to confine himself to the question under consideration, except in motions for adjournment, or questions of privilege.

9. It is the duty of the chair to maintain the relevancy of debate, and if a member manifestly violates this rule to call him promptly to order. The House, as well as the chair, may call to order. See Section 776.

In a series of resolutions, or in amendments, the question before the House is constantly changing, and the question as moved may be the main question, then an amendment, or a second amendment, or the previous question, etc. In each case the particular question supersedes the main question, hence the presiding officer needs to give the very closest attention.

10. It is not parliamentary to refer to a member, then present, by his

name, but to refer to him as the honorable member of such a constituency, or the leader of the opposition, or the member who spoke last, etc. The object of this rule is to guard against exciting personal feeling, either of favor or hostility.

11. A member must not speak twice to the same question, except to explain a material part of his speech that has been misunderstood, but he must not introduce any new matter. The mover of the main question may also have a reply, but must not introduce any new matter.

12. A member must not speak disrespectfully of any other member, nor reflect upon any vote of the House, except in moving that such motion be rescinded.

13. A member called to order shall immediately sit down while the point of order is being stated, but may afterwards explain. If he feels that the ruling of the chair is incorrect, he may appeal to the House, which shall decide without debate.

14. A member against whom any charge has been made, after having been heard from his place in defence, should withdraw while the charge is under consideration. Due notice should be given a member whose language, conduct or character is the subject of a motion or a statement in the House.

776. Call to Order. It is the duty of the presiding officer to enforce the rules and usages of the body in all its proceedings without question, delay or debate, whenever a departure from the same is manifest. It is also the right of every member to rise and call another member to order when he believes that a rule or usage has been violated by a motion or in a speech. When he interrupts a speaker by rising to a point of order, he should say, "I rise to a point of order." The presiding officer will say, "Please state your point of order," when he must, as succinctly as possible, state the point without any attempt to debate the matter. The Speaker, or other presiding officer, may decide the question at once, or he may, if he deems it advisable, ask the opinion of members. When he decides it should be *authoritatively stated*, and not argued. A member not satisfied may appeal from the decision to the House by saying, "I appeal from the decision of the chair." The speaker will then put the question by stating first the decision and the point of appeal, and then adding, "The question is now, shall the decision of the chair stand as the judgment of the House? Those who are in favor of the motion will say 'aye.'" Then when the "ayes" have been given, he will say, "Those who are against the motion will say 'nay.'" If the voices are at all doubtful, and the names are demanded by *five* members, he will submit the question and the roll be called, as previously described. These motions are not debatable in Canadian assemblies.

777. Breaches of Parliamentary Decorum. 1. A member having been called to order by the chairman, it is his duty to bow at once to the decision of the chair, and to make an apology either by explaining that he did not intend to infringe any rule of debate, or by withdrawing the unparliamentary language used. If he should persist in his unparliamentary conduct the speaker may *name* him, and submit his conduct to the decision of the House. The member should then explain and withdraw, and it would be for the House to determine what course to pursue in the matter.

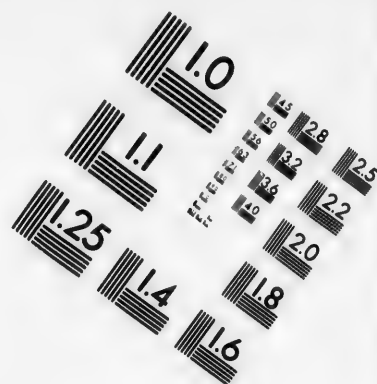
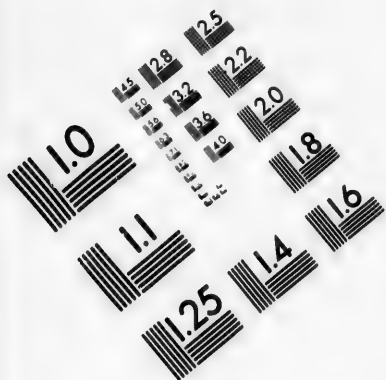
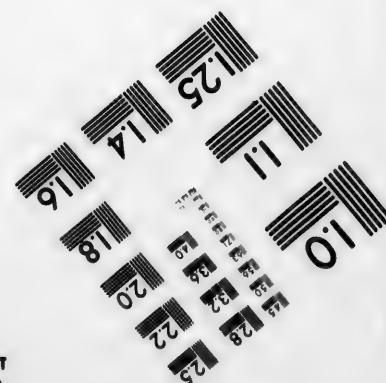
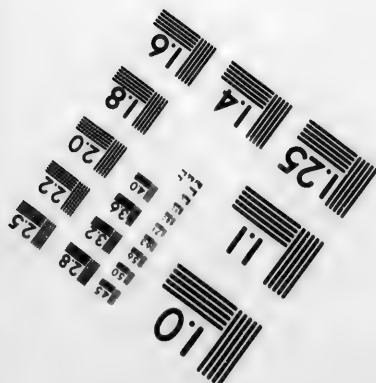
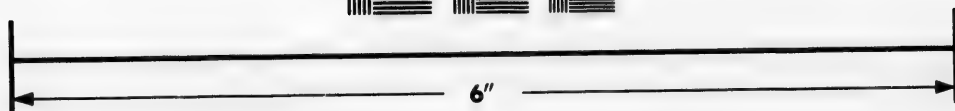
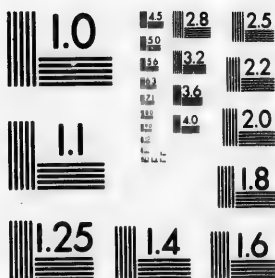


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2. If a member makes use of unparliamentary language it is the right of any other member to move that it be *taken down*. In such case he repeats the words to which he objects (immediately after they have been uttered and while yet speaking), quoting them exactly as he understood them to have been uttered. The Speaker then takes the sense of the House, and, if in accord with the demand, will direct the Clerk to take down the words. After the Clerk has taken down the words he reads them to the House. The member should then explain and withdraw, when the House will determine what course to pursue with reference to him.

778. Questions by Members. Questions put to members or Ministers must not contain imputations or ironical expressions, neither must a question refer to debates or answers to questions given in the same session. A question cannot be made a subject for debate. A question put on the notice paper must not give the names of persons or statements not strictly necessary, or contain charges which the member asking the question is not prepared to substantiate.

779. Questions of Privilege. When anything has arisen in the House or in the country which affects the rights or immunities of the House in general, or the position, character or conduct of members in their representative character, which calls for its immediate interposition, a motion relating thereto takes precedence over all other business of the House except adjournment, and is moved without notice. Examples of causes which would give rise to a question of privilege would be when the proceedings are disturbed, whether by strangers or members, or a quarrel arises between two members. When the question of privilege is settled, the question interrupted by it will be resumed at the point where it was suspended.

780. Notices of Motion. Every important substantive motion that is to come before the assembly for decision should have previous notice given. Especially all motions proposing any change in the constitution or by-laws of a society or incorporated company necessarily require a notice.

781. Privileged Questions are those which because of the superior importance attached to them, or in consequence of a vote of the assembly, or of the necessity of the proceedings to which they lead, are entitled to take the place of any other subject or question before the House, and to be first acted upon and decided. Questions of this nature are of three kinds, viz., (1) Motions to adjourn; (2) Motions relating to the rights and privileges of the assembly or to members individually; (3) Motions for the orders of the day. These questions are always in order.

782. Incidental Questions are those which arise out of other questions, consequently are to be decided before those which give rise to them; as (1) Questions of order; (2) Reading of papers; (3) Leave to withdraw a motion; (4) Suspension of a rule; (5) Amendment to an amendment.

783. Dilatory or Secondary Questions are so called because they may be applied to other questions for the purpose of disposing of them in an appropriate manner. They take precedence over the principal question, and must first be decided before the principal question can be acted

upon. They also have precedence among themselves in the following order, and one of a lower order cannot be made while one of a higher order is pending, but one of a higher order may be made while one of a lower order is pending, and supersede it: (1) To refer to a committee; (2) To amend; (3) To lay on the table; (4) To postpone indefinitely; (5) To postpone to a certain time; (6) To adjourn; (7) To move the previous question.

784. Motions that Cannot be Amended are: (1) To adjourn (when not to a certain time and place); (2) To lay on the table; (3) To postpone indefinitely; (4) To postpone to a certain time; (5) For the previous question; (6) An amendment to an amendment; (7) To reconsider.

785. Questions Undebatable. (1) To adjourn; (2) That the committee rise; (3) For orders of the day; (4) To lay on the table; (5) To postpone indefinitely; (6) To postpone to a certain time; (7) For the previous question; (8) To reconsider; (9) For the reading of papers; (10) To withdraw a motion; (11) To suspend the rules; (12) Questions of order and decorum; (13) For permission to continue speaking after being pronounced out of order; (14) To extend limit of debate.

786. Questions that Cannot be Reconsidered are: (1) To adjourn (the House would not be in session); (2) To lay on the Table (it can come up under its regular order of business); (3) To reconsider; (4) That the committee rise; (5) To suspend rules.

COMMITTEES.

It is usual in all deliberative assemblies, in order to save time, to have performed as much as possible by various committees all the preliminary and preparatory steps of matters to be acted upon in the assembly. Such committees are called *Special*, *Select*, *Standing*, and *Committee of the Whole*.

787. Appointing Committees. There are three modes of selecting members of committees—by appointment of the Chair, by ballot, and by nomination and vote of the House.

In legislative bodies it is usual to have a standing rule providing that all committees (except Committee of the Whole) be named by the presiding officer, except where otherwise ordered in special cases. Sometimes the rules fix the number to compose each committee. Where such rule exists and a committee is required by constitution, or one ordered by the assembly, the presiding officer names the members thereof.

In Parliament, at the beginning of each session, a small committee is appointed on motion of the Premier to strike the standing committees of the House, as "that select standing committees of this House for the present session be appointed for the following purposes," etc.

Special and select committees are appointed on motion after notice, any time during the session for the consideration of particular subjects. It is usual in such case for the mover to be a member of such committee, and, if agreeable to the committee, to be the chairman of the same.

In deliberative assemblies when committees are appointed by ballot, it is usual simply to have the members proposed without the formality of a motion. Balloting may be either singly or all together as may be ordered, and conducted as other elections are made. When the committee is directed to be appointed by nomination and vote, the names must be put and voted on separately. When the nomination is directed to be by the presiding officer he may propose the names singly or all at once. When the nomination is directed to be made by the assembly at large, the chair calls for nominations, and names being mentioned accordingly, he puts to vote the first name he heard.

A majority of a committee to whom a measure is referred are supposed to be favorable, and in political parties the dominant party always thus appoints committees. Enemies to a bill or the party proposing it would not be likely to improve it by any amendments they would make.

When a committee is appointed the secretary should prepare a list of the members thereof, together with copies of any instructions under which they are to act, and give the same to the person first named on the list of the committee, if convenient, but otherwise to some other member of the committee.

188. Organization and Procedure. The person first named on a committee acts as its chairman for the preliminary steps for organization, unless a chairman is named in its appointment. At its first meeting, as soon as a quorum is present, the committee elects its own chairman, and if need be a secretary or clerk.

When no directions are given the committee may select its own time and place for sitting, but must not sit while the assembly is sitting, unless specially authorized.

A committee is a miniature assembly, hence the same rules that govern the proceedings of the House as to receiving papers, motions, amendments, adjournments, use of proper language, etc., apply to committees.

A committee neglecting to perform its duties, the House may intervene, and order it to meet and report, or discharge it altogether.

A committee may adjourn from time to time, as it finds necessary, but not from place to place, except by leave of the House.

A committee in examining witnesses may admit strangers, but its deliberations should be in private.

In Parliament, committees are not permitted to sit and proceed with their work during the session of the House, unless on important business the House gives authority.

If committees wish to report their opinions, or observations, or to report their proceedings from time to time to the House, they must obtain leave of the House. Sub-committees report to the committee, and not to the House direct.

Committees regularly adjourn from day to day, the same as the House, and the same usages prevail. Common consent usually permits the chairman to name the day and hour of sittings.

The report a committee submits to the House, if not unanimous, is a majority report, and must not be accompanied by any protest or counter statement of a minority. If a minority wishes to report, it may by consent

of the majority, have their paper included in the appendix as a part of the proceedings of the committee.

Reports of committees submitting certain recommendations or opinions to the House are concurred in by motion, if adopted. If the recommendations are a series of recommendations, each one is to be considered by the House separately, and disposed of as may be deemed expedient.

When a report does not contain any resolutions or recommendations to the House, no further proceedings with reference to it are specially necessary.

Every report must be signed by the chairman. The report is brought up by the chairman, and lies upon the table to be dealt with as the House may direct.

A report may be referred back to a committee, either for further consideration, or to amend it in certain respects as instructed. In such case it is regular for a committee not only to modify its first report, but to reverse its first decision.

No notice may be taken of the proceedings of a committee until it has reported to the House.

Papers before a committee, either, one that has been referred to them or one originating with the committee, when they come to be considered, they are first to be read entirely through by the Clerk of the committee, if there is one, otherwise by the chairman; and then to be read through again by paragraphs by the chairman, pausing at the end of each paragraph, and putting questions for amending, either by striking out or inserting, if proposed. This is the natural order of proceeding in considering and amending any paper, and is to be strictly adhered to in the assembly; but the same strictness does not seem necessary in a committee.

If the paper before a committee is one which has originated with the committee, questions are put on amendments proposed, but not on agreeing to the several paragraphs of which it is composed, separately, as they are gone through with; this being reserved for the close, when a question is to be put on the whole, for agreeing to the paper, as amended, or unamended.

If the paper be one which has been referred to the committee, they proceed as in the other case to put questions of amendment, if proposed, but no final question on the whole; because all the parts of the paper, having been passed upon, if not adopted by the assembly as the basis of its action, stand, of course, unless altered or struck out by a vote of the assembly. And even if the committee are opposed to the whole paper, and are of opinion that it cannot be made good by amendments, they have no authority to reject it: they must report it back to the assembly without amendments (specially stating their objections, if they think proper), and there make their opposition as individual members, unless in those cases in which the subject, as well as the form or details of a paper, is referred to the committee.

In the case of a paper originating with a committee, they may erase or interline it as much as they please: though, when finally agreed to, it ought to be reported in a clear draft, fairly written, without erasure or interlineation.

But in the case of a paper referred to a committee, they are not at liberty to erase, interline, blot, disfigure, or tear it in any manner; but they must, in a separate paper, set down the amendments they have agreed to report, stating the words which are to be inserted or omitted, and the places where the amendments are to be made, by references to the paragraph or section, line and word.

If the amendments agreed to are very numerous and minute, the committee may report them altogether, in the form of a new and amended draft.

When a committee has gone through the paper, or agreed upon a report on the subject which has been referred to them, it is then moved by some member, and thereupon voted, that the committee rise and that the chairman, or some other member, make their report to the House.

789. Their Report. Every report must be signed by the chairman. When the report is to be made the chairman, or the member appointed to make the report, standing in his place, informs the assembly that the committee to whom was referred such a subject or paper, have had the same under consideration, and have directed him to make a report thereon, which he is prepared to do; and he, or any other member, may then move that the report be now received. The assembly will decide whether to receive the report at that time or upon some future day. When the report is received, either informally by general consent, or by a formal vote, the committee is discharged and the report becomes the basis of the future proceedings of the House on the subject to which it relates. If it is not received the committee would not be thereby discharged, but may be ordered to sit again, and at a time and place as may be appointed.

When the time arrives for the consideration of a report it is treated and disposed of like any other proposition, and may be amended in any part as may be deemed necessary, or it may be recommitted to the same or to another committee.

The final question on a report should be according to its nature. If it contains merely a statement of facts or opinions, the question should be on *acceptance*; if it also conclude with resolutions or specific propositions of any kind the question should be on *agreeing* to the resolutions or *adopting* the propositions, or on *passing the vote* recommended by the committee.

In a large number of cases the question would be put first for its reception, then for its adoption.

790. Committee of the Whole. When it is proposed to refer the discussion of a resolution or bill to a committee of the whole the form for going from the assembly into committee is on motion of some member, "That this House do now resolve itself into a committee of the whole House," naming the matter to be taken into consideration. If this question is decided in the affirmative, the presiding officer, before leaving the chair will name some member to act as chairman of the committee, and then take a seat among the members.

The person appointed chairman of the committee will take a seat at the Clerk's table, or the seat of the presiding officer, usually the former.

The general rules of the House govern the proceedings of the committee as far as they are applicable, but members are not restricted to one speech on a question.

The previous question cannot be moved in a committee of the whole. A committee of the whole cannot adjourn like other committees to some other time and place, but if their business is not finished at the usual time for the Assembly to adjourn or for any other reason, they do not wish to proceed further at a particular time, some member may move that the committee rise and report. The usual form is, "That the chairman do report progress, and ask leave to sit again;" and if this motion prevails, the chairman rises, the presiding officer resumes the chair of the assembly and the chairman of the committee informs him that the Committee of the Whole having had under their consideration such a matter, and have made some progress therein, but not having had time to go through with the same have directed him to ask leave to sit again. The presiding officer will then say, "When shall the committee have leave to sit again?" If leave should not be granted the committee would, of course, be dissolved.

This committee cannot refer any matter to a sub-committee.

The Speaker (or president) of the assembly may take part in the debate and proceedings of the committee same as other members.

No committee of any kind has authority to punish a member or stranger for a breach of order, but may rise and report the same to the House.

When a committee of the whole have gone through with the matters referred to them, a member moves that the committee rise and the chairman report their proceedings to the assembly; which being carried, the chairman at once rises and goes to his place, the presiding officer resumes the chair of the assembly, and the chairman informs him that the committee have gone through with the business referred to them, and that he is ready to make their report when the assembly shall think proper to receive it. The time for receiving the report is then agreed upon, and at the time fixed it is made and received the same as that of any other committee. Usually it is received at once.

Sometimes the question is disposed of informally without a motion. If the assembly is ready to receive it at the time, they cry out, "Now, now," whereupon the chairman proceeds. If not then ready, some other time is mentioned, as "to-morrow," or "Wednesday," and such time is fixed simply by general assent. If it is not the general sense of the assembly to receive the report at the time it is better to fix the time by motion. Of course the report may be amended or rejected, and matter struck out by the committee may be restored by the assembly.

If the committee is not through, the usual motion would be "That the report be accepted and leave granted."

791. Obstruction in Committee of the Whole is sometimes resorted to, and besides the numerous speeches and useless amendments to nearly every clause or item of a bill, a member sometimes, wishing to supersede a bill entirely, moves "That the chairman do now leave the chair." This motion is always in order, and takes precedence over any other motion in the committee, and if carried the chairman must immediately leave the chair. As he is not authorized to make any report to the assembly, the question disappears from the order paper, hence no question before the House. The House may, however, subsequently resolve itself into a committee of the whole on the same subject by giving notice, as the original order of reference still remains.

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